

The Gazette



of India

PUBLISHED BY AUTHORITY

No. 11] NEW DELHI, SATURDAY, MARCH 12, 1960/PHALGUNA 22, 1881

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 4th March, 1960 :—

Issue No.	No. and date	Issued by	Subject
30	S. O. 523, dated 26th February, 1960.	Ministry of Commerce and Industry.	Exemption from certain sections of Industries (Development and Regulation) Act, 1951—all industrial undertakings— details specified therein.
31	S.O. 524, dated 26th February, 1960.	Election Commission, India.	Amendment to Notification No. 318/60(2), dated 23rd February, 1960.
32	S.O. 525, dated 26th February, 1960.	Do.	Notice that disqualification incurred by the person specified therein has been removed.
33	S.O. 526, dated 29th February, 1960.	Ministry of Labour and Employment.	Specification that intimation of any lock-out or strike should be given to officers etc. mentioned in S.O. 1660, dated 21st July, 1959.
	S.O. 527, dated 29th February, 1960.	Do.	Amendment to S.O. 1713, dated 22nd July, 1959.
34	S.O. 528, dated 29th February, 1960.	Ministry of Law.	Appointing 1st March, 1960 on which the Married Women's Property (Extension) Act, 1959 shall come into force.
35	S.O. 529, dated 29th February, 1960.	Ministry of Steel, Mines and Fuel.	Acquiring land referred to in S.O. 2566 dated 10th November, 1959.
36	S.O. 530, dated 1st March, 1960.	Ministry of Information and Broadcasting.	Approval of films specified therein.
37	S.O. 531, dated 2nd March, 1960.	Ministry of Finance.	Calling in all cupro-nickel two-anna and half anna coins from 1st October, 1960.

Issue No.	No. and date	Issued by	Subject
38	S.O. 574 dated 2nd March, 1960.	Ministry of Labour and Employment.	Declaration that Essential Services (Maintenance) Ordinance, 1941 will be applied to the Employment in the River Survey Service for the Port of Calcutta.
39	S.O. 575, dated 3rd March, 1960.	Ministry of Commerce and Industry.	Amendments to the Motor Cars (Distribution and Sale) Control Order, 1959.
40	S.O. 576, dated 3rd March, 1960.	Ministry of Law	Declaration containing the name of the candidate referred to in S.O. 2865 dated 30th December, 1959.
41	S.O. 577, dated 3rd March, 1960.	Ministry of Labour and Employment.	Authorises the Chairman of the Commissioners for the Port of Calcutta who may exercise powers in relation to persons engaged in employment in the River Survey Service, Port of Calcutta.
42	S.O. 578, dated 4th March, 1960.	Do.	Award of the National Industrial Tribunal of India at Bombay between certain Cantonment Boards and their workmen.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi-11, the 7th March, 1960

S.O. 582.—In continuation of its notification No. 82/284/57/71, dated the 24th February, 1959, published in the Gazette of India, Part II, Section 3(ii) dated the 7th March, 1959, the Election Commission hereby publishes the Judgement of the Supreme Court of India, delivered on the 20th November, 1959, on the appeal No. 301 of 1959 filed by Shri S. M. Banerji against the order dated the 10th December, 1958, of the High Court of Judicature at Allahabad.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 301 OF 1959

Appeal by Special Leave from the Judgment and Order dated the 10th December, 1958, of the Allahabad High Court in First Appeal No. 382 of 1958, arising out of the Judgment and Order, dated the 6th August, 1958, of the Election Tribunal, Kanpur, in Election Petition No. 284 of 1957.

S. M. Banerji

Appellant.

versus

Sri Krishna Agarwal

Respondent.

The 20th day of November, 1959.

PRESENT:

The Hon'ble The Chief Justice Mr. Bhuvaneshwar Prasad Sinha.

The Hon'ble Mr. Justice P. B. Gajendragadkar.

The Hon'ble Mr. Justice K. Subba Rao.

The Hon'ble Mr. Justice K. C. Das Gupta.

The Hon'ble Mr. Justice J. C. Shah.

For the Appellant.—Mr. N. C. Chatterjee, Senior Advocate, (M/s. R. K. Garg, S. C. Agarwal, D. P. Singh and Dr. V. A. Sayid Muhammad, Advocates and Mr. Janardan Sharma, Advocate for Mr. M. K. Ramamurthi, Advocate, with him).

For the Respondent.—Mr. A. V. Viswanatha Sastri, Senior Advocate (Mr. K. P. Gupta, Advocate, with him).

JUDGEMENT

The following Judgement of the Court was delivered by SUBBA RAO, J.—This appeal by special leave is directed against the judgment of the High Court of Judicature at Allahabad setting aside that of the Election Tribunal, Kanpur, dismissing the petition filed by the respondent for setting aside the election of the appellant as a member of the Parliament from the Kanpur constituency.

In February-March, 1957 elections were held to fill up a parliamentary seat from the single member constituency No. 331, Kanpur. Shri S. M. Banerji, Sri Suraj Prasad and four others were candidates for the said election. The said persons filed their nomination papers between 19th and 29th January, 1957. The appellant was employed as Supervisor 'A' Grade at the Government Ammunition Factory, Kirkee, and was dismissed from service on January 24, 1956, for a reason other than corruption or disloyalty to the State; and he was duly qualified to stand for the election. He also filed his nomination paper within the prescribed time and *ex-facie* it complied with all the provisions of the Representation of the People Act, 1951 (43 of 1951), as amended by Act XXVII of 1956, (hereinafter called the Act), and did not disclose any disqualifications. The Returning Officer held scrutiny of the nomination papers on February 1, 1957. As no objection was taken to the appellant's nomination, the Returning Officer accepted it under s. 36 of the Act without making any enquiry. The polling took place on March 6, 1957, and the result was declared on March 13, 1957. The appellant having secured the largest number of votes, was declared duly elected. On April 24, 1957, the respondent, who is one of the voters in the said constituency, presented a petition before the Election Commission, New Delhi, praying that the election of the appellant be declared void. In the petition he alleged ten grounds to sustain his petition. The Election Commission constituted an Election Tribunal in the manner prescribed by the Act and referred the petition to the said Tribunal for trial. On July 17, 1957 i.e., after the prescribed period of limitation of 45 days had expired, the respondent filed an application for amendment of the election petition. The amendments sought to be made in the election petition were as follows:

- "(a) In paragraph No. 5 clause 'i', figure '9' between the words 'under section' and 'clause' is a typing mistake for figure '33'. In place of figure (9) figure '33' be substituted.

- (b) In paragraph No. 5(d) at the end of the paragraph, the following sentence be added:

"The nomination paper of the respondent presented before the Returning Officer was not accompanied by a certificate of the Election Commission to the effect that he has not been dismissed for disloyalty or corruption. The improper acceptance of the nomination paper being that of the returned candidate, there is a presumption that the result of the election has been materially affected".

On August, 3, 1957, the respondent filed another application for amendment seeking the second amendment in an abbreviated form. The proposed amendment was as follows:—

- "(b) In paragraph No. 5(d) at the end of paragraph, the following sentence be added in the petition:

"and such a certificate did not accompany the nomination paper of the respondent and the acceptance of his nomination paper materially affected the result of the election."

By an order dated August 12, 1957, the Election Tribunal dismissed the petition on the ground that the amendments sought to introduce a new ground after the prescribed period of limitation, and therefore it had no power to allow the same. After dismissing the application, the Tribunal took up the main petition for disposal and, after recording the findings on the issues raised, dismissed the same with costs. Against the said judgment the respondent preferred an appeal under s. 116A of the Act to the High Court. Before the High Court the learned Counsel for the respondent withdrew the prayer for amendment of sub-paragraph (i) of paragraph (5) of the election petition and confined his relief only to the amendment asked for in paragraph 5(d) of the election petition i.e., he sought to bring in the amendment under the head "improper acceptance of the nomination paper". The High Court found, on the construction of the pleadings, that the allegations found in the original petition were sufficient to bring in the case under s. 100(1)(d)(i) of the Act i.e., under the head "improper acceptance", and, therefore, the amendment asked for was only a clarification but not an introduction of a new ground: in the result, the High Court set aside the order of the Tribunal and directed it to decide the issues that arose out of the averment made in the amended paragraph 5(d) of the election petition. The present appeal was filed by special leave against the said judgment of the High Court.

The contentions of the learned Counsel, Mr. N. C. Chatterjee, for the appellant may be briefly put thus: The ground for relief in the election petition was based on improper acceptance of the appellant's nomination within the meaning of s. 100(1)(d)(i) of the Act, and no alternative ground under sub-cl. (iv) of cl. (d) of s. 100(1) was alleged. There was proper acceptance of the nomination paper and, therefore, the High Court or the Tribunal had no power to introduce by amendment a new ground, namely, that the result of the election had been materially affected by the non-compliance with the provisions of the Act, and particularly when the ground based upon s. 33 of the Act was given up by the respondent.

He relies upon for the first proposition on the decision of this Court in *Durga Shankar Mehta v. Thakur Raghuraj Singh* ⁽¹⁾ and for the second on the decision of this Court in *Harish Chandra Bajpal v. Triloki Singh* ⁽²⁾.

Mr. A. V. Viswanatha Sastri, the learned counsel for the respondent, contends that the said two decisions were wrongly decided and require reconsideration, and that, in any event, the amendment asked for clearly falls within the scope of the later decision. He further contends that, on a fair reading of the relevant allegations in the petition as originally presented, it would be clear that the respondent stated all the necessary facts to sustain the ground he had taken in the amendment petition, and that by the amendment he was only seeking to clarify the said ground. In any view, he argues that the appellate court on a careful construction of the pleadings has held that the petition in substance disclosed the said ground; and the question of correctness of the said decision does not legitimately fall within the discretionary jurisdiction of this Court under Art. 136 of the Constitution.

(1) [1955] I.S.C.R. 267.

(2) [1957] S.C.R. 370.

At the outset the relevant provisions of the Act may be noticed. The said provisions read:

- S. 9(3): "If any question is raised as to whether a person who, having held any office referred to in clause (f) of section 7, has been dismissed is disqualified under that clause for being chosen as a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State, the production of a certificate issued in the prescribed manner by the Election Commission to the effect that such person has not been dismissed for corruption or disloyalty to the State shall be conclusive proof that he is not disqualified under that clause."
- S. 33(3): "Where the candidate is a person who, having held any office referred to in clause (f) of section 7, has been dismissed and a period of five years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that he has not been dismissed for corruption or disloyalty to the State."
- S. 36: "(1) On the date fixed for the scrutiny of nominations under section 30, the candidates, their election agents, one proposer of each candidate, and one other person duly authorized in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.
- (2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—
- (a)
- (b) that there has been a failure to comply with any of the provisions of section 33 or section 34; or
- (c)"
- S. 100: (1) "Subject to the provisions of sub-section (2) if the Tribunal is of opinion—
- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—
- (i) by the improper acceptance of any nomination, or
- (iv) by any non-compliance with the provisions of the Constitution or of this Act or of any other rules or orders under this Act, the Tribunal shall declare the election of the returned candidate to be void."

The foregoing provisions, so far relevant to the present enquiry, may be summarised thus: If a candidate has been dismissed from Government service and a period of five years has not elapsed since dismissal, he will have to file along with the nomination paper a certificate issued in the prescribed manner by the Election Commission to the effect that he has not been dismissed for corruption or disloyalty to the State. If it has not been done, the Returning Officer, either *suo motu* or on objections raised by the opposite party, has to reject the nomination. If the nomination paper does not disclose any such defect and if the Returning Officer has no knowledge of that fact, he has no option but to accept the nomination. The Returning Officer may improperly accept a nomination paper though it discloses the said defect and though an objection is raised to its reception on that ground. Section 100(1)(d)(i) of the Act deals with improper acceptance of any nomination and s. 100(1)(d)(iv) permits an attack on the ground, among others, of non-compliance with the provisions of the Act.

Before we consider the contentions of the parties, it would be convenient to appreciate the true scope of the two decisions of this Court in the light of the arguments advanced by the learned counsel. The first decision is in *Durga Shankar Mehta v. Thakur Raghuraj Singh* (1). This decision turns upon the provisions of sub-s. (1)(c) and sub-s. (2)(c) of s. 100 of the Representation of the People Act, 1951, before it was amended by Act XXVII of 1956. Sub-s. (1)(c) and sub-s. (2)(c), in so far as they are material to the present discussion, correspond to s. 100(1)(d)(i) and s. 100(1)(d)(iv) respectively of the amended Act. This case arose out of an election held in December, 1951, for the double-member Lakhnadon Legislative Assembly Constituency in Madhya Pradesh, one of the seats being reserved for Scheduled Tribes. The appellant and respondents 1, 3, 5 and 7 therein were duly nominated candidates for the general seat in the said constituency, while respondents Nos. 2, 4 and 6 were nominated for the reserved seat. No objection was taken before the Returning Officer in respect of the nomination of either the appellant or respondent No. 2. The appellant and respondent No. 2 were declared elected to the general and reserved seat respectively. The respondent No. 1 filed an election petition against the appellant and the other respondents for setting aside the election as wholly void. One of the allegations was that the respondent No. 2 was, at all material times, under 25 years of age and was consequently not qualified to be chosen to fill a seat in the Legislative Assembly of a State under Art. 173 of the Constitution. The Election Tribunal held that the acceptance by the Returning Officer of the nomination of respondent No. 2 amounted to an improper acceptance of nomination within the meaning of s. 100(1)(c) of the Act, and on that ground declared that the entire election was void. The candidate, who was elected to the general seat preferred an appeal to this Court and contended that this nomination had been properly accepted by the Returning Officer and, therefore, if respondent No. 2 was not duly qualified to be elected, his election alone should be declared void on the ground that such disqualification shall fall under sub-s. (2)(c) of s. 100 and not under sub-s. (1)(c) thereof. This Court accepted the contention and in that context defined the import of "improper acceptance" within the meaning of s. 100(1)(c) of the Act. Mukherjea J., as he then was, delivering the judgment of the Court observed at p. 277:

"If the want of qualification of a candidate does not appear on the face of the nomination paper or of the electoral roll, but is a matter which could be established only by evidence, an enquiry at the stage of scrutiny of the nomination papers is required under the Act only if there is any objection to the nomination. The Returning Officer is then bound to make such enquiry as he thinks proper on the result of which he can either accept or reject the nomination. But when the candidate appears to be properly qualified on the face of the electoral roll and nomination paper and no objection is raised to the nomination, the Returning Officer has no other alternative but to accept the nomination. This would be apparent from section 36, sub-section (7) of the Act

The learned Judge proceeded to state at p. 278:

"It would have been an improper acceptance, if the want of qualification was apparent on the electoral roll itself or on the face of the nomination paper and the Returning Officer overlooked that defect or if any objection was raised and enquiry made as to the absence of qualification in the candidate and the Returning Officer came to a wrong conclusion on the materials placed before him. When neither of these things happened, the acceptance of the nomination by the Returning Officer must be deemed to be a proper acceptance."

This judgment, therefore, is a clear authority for the proposition that if the want of qualification does not appear on the face of the nomination paper and if no objection is raised on that ground before the Returning Officer, the acceptance of the nomination must be deemed to be a proper acceptance.

Mr. A. V. Viswanatha Sastri, the learned counsel for the respondent, attacks the correctness of this decision. Broadly stated, his criticism is that the proceedings before the Returning Officer are summary proceedings and that the

(1) [1955] I.S.C.R. 267.

election petition is not an appeal from the order of the Tribunal, but is an original petition seeking to set aside the election and that in such a petition the aggrieved party has the right to seek to set aside the election on all or any of the grounds mentioned in s. 100 of the Act and that, as one of the grounds is the improper acceptance of the nomination paper, he could establish by evidence that the acceptance of the nomination by the Returning Officer was in derogation of the statutory provisions, such as those relating to the absence of qualification in the candidate or the filing of his nomination paper unaccompanied by a certificate within the meaning of s. 33(3) of the Act. In support of this contention reliance is placed upon another decision of this Court in *Veluswami v. Raja Nainar* ⁽³⁾. The point raised and decided in that case was whether an enquiry before the Election Tribunal was not restricted to the material placed before the Returning Officer relating to a ground, but all evidence bearing on that ground could be adduced before that Tribunal. There, unlike here, at the time of scrutiny of the nominations objection was taken to the nomination of the candidate on the ground that he was the Head Master of the National Training School, Tiruchendur, which was a Government-aided school, and therefore he was disqualified under s. 7, cls. (d) and (e) of the Act. The Returning Officer upheld that objection. In a petition to set aside the election, the returned candidate pleaded that the candidate whose nomination was rejected was not qualified to be chosen not merely on the ground put forward before the Returning Officer but also on other grounds. This Court held that it is open to a party to put forward all grounds in support or negation of the claim subject only to such limitations as may be found in the Act, notwithstanding that some of the grounds were not taken before the Returning Officer. The reason for the decision is found at p. 426 and it reads:

"An election petition is an original proceeding instituted by the presentation of a petition under s. 81 of the Act. All the parties have the right to adduce evidence and that is of the essence of an original proceeding as contrasted with a proceeding by way of appeal. That being the character of the proceedings, the rule applicable is that which governs the trial of all original proceedings; that is, it is open to a party to put forward all grounds in support of or negation of the claim, subject only to such limitations as may be found in the Act."

The learned Judge elaborated the point at a subsequent stage of the judgment thus:

"The enquiry which a returning officer has to make under S. 36 is summary in character. He may make "such summary enquiry, if any, as he thinks necessary"; he can act *suo motu*. Such being the nature of the enquiry, the right which is given to a party under S. 100(1)(c) and S. 100(1)(d)(i) to challenge the propriety of an order of rejection or acceptance of a nomination paper would become illusory, if the Tribunal is to base its decision only on the materials placed before the returning officer".

When the attention of the Court was invited to the decision in *Durga Shankar Mehta v. Thakur Raghuraj Singh* ⁽¹⁾, the Court distinguished that decision in the following manner:

"This is not a direct pronouncement on the point now in controversy, and that is conceded."

The two decisions can stand together and they deal with two different situations: in the former, no objection was raised at all to the nomination, while in the latter an objection was raised on the ground of disqualification; but in the election petition additional grounds of disqualification were alleged and sought to be proved: one is concerned with a case of improper acceptance and the other with a case of improper rejection. Though some of the observations in the later decision may well have been advanced to come to a contrary conclusion in the earlier decision, *Venkatrama Ayyar J.*, who was party to both the decisions, distinguished the earlier one on the ground that it was not a direct pronouncement on the question raised in the later. The earlier decision is that of five Judges but the later is of three Judges. The learned Judges, who decided the later case, did not

(3) A.I.R. 1959 S.C. 422.

(1) [1955] 1 S.C.R. 267.

see any conflict between their decision and that of the earlier one. Though there is some force in the argument advanced by Mr. A. V. Viswanatha Sastri, and, if it were *res integra*, some of us might be inclined not to agree with the reasoning and the conclusion of the earlier judgement, this Court is bound by its earlier decision and we do not see any justification to refer the question to a larger bench, particularly as we have come to the conclusion that the High Court was not justified in interfering with the order passed by the Tribunal in its discretion disallowing the material amendment.

The second case is a decision of four Judges and it defines the powers of the Election Tribunal in the matter of amendment of pleadings. This decision also turns upon the relevant provisions of Act 43 of 1951 before it was amended by Act 27 of 1956. Section 83(3) of the Act before the amendment corresponds to s. 90(5) of the amended Act. In other respects, so far as it is material to the question raised, no change has been introduced in the other relevant sections. In this case, the respondent in the appeal filed an election petition challenging the election of the appellants to the U.P. Legislative Assembly on the ground that they had committed corrupt practices, the material allegations being, (i) that the appellants "could in the furtherance of their election enlist the support of certain Government servants", and (ii) that the appellant No. 1 had employed two persons in excess of the prescribed number for his election purposes. No list of particulars of corrupt practices was attached to the petition. Long after the period of limitation prescribed for the filing of election petitions, the respondent applied for amendment of his petition by adding the names of certain village Headmen (Mukhlis) as having worked for the appellants and later on becoming their polling agents. The Election Tribunal allowed the amendment on the ground that the allegations sought to be introduced by the amendment were mere particulars of the charge already made. Holding that corrupt practice had been committed by the appellants, it declared their election void under s. 100(2)(b) of the Act. The appellants preferred an appeal against that order to this Court and contended that the Election Tribunal had no power either under s. 83(3) of the Act or under Order VI, rule 17 of the Code of Civil Procedure to allow the amendment. In that context, this Court elaborately considered the scope of the power of the Election Tribunal to amend the pleadings in an election dispute and summarized its views in the following two propositions, at p. 392:

- "(1) Under s. 83(3) the Tribunal has power to allow particulars in respect of illegal or corrupt practices to be amended, provided the petition itself specifies the grounds or charges, and this power extends to permitting new instances to be given.
- (2) The Tribunal has power under O.VI. r. 17 to order amendment of a petition, but that power cannot be exercised so as to permit new grounds or charges to be raised or to so alter its character as to make it in substance a new petition, if a fresh petition on those allegations will then be barred."

On the basis of those propositions this Court held that the petition as originally presented did not allege that the appellants had committed corrupt practices and, therefore, that the allegations sought to be introduced by the amendment, namely, that two village Headmen worked for the appellants and later on became their polling agents, so radically altered the character of the petition as originally framed as to make it practically a new petition, and so it was not within the power of the Tribunal to allow amendments of that kind. Even if the Tribunal had the power under O. VI. r. 17 of the Code of Civil Procedure to permit an amendment raising a new charge, the Court held that it did not under the circumstances exercise a sound and judicial discretion in permitting the amendment in question. It may be noticed that in that case the question turned upon the construction of s. 83 sub-ss. (2) and (3), of the Act. Though in that case this Court was concerned with the powers of an Election Tribunal to amend the petition beyond the period of limitation, the discussion of the Court covered a wider field, presumably, because the Court intended to settle the principles governing the power of Election Tribunals to amend pleadings with a view to prevent confusion and to stabilize the procedure. This Court rejected the argument that O. VI, r. 17 of the Civil Procedure Code, does not apply to election petitions. It was observed at p. 389;

"We are accordingly of opinion that the application of O. VI, r. 17, Civil Procedure Code to the proceedings before the Tribunal is not excluded by s. 83(3)."

It was contended for the appellant in that case that even if s. 83(3) of the Act did not exclude the application of O. VI, r. 17, Civil Procedure Code, to the proceedings before the Tribunal, the exercise of the power under that rule must, nevertheless, be subject to the conditions prescribed by s. 81 for presentation of an election petition, that one of those conditions was that it should be presented within the time allowed therefor, and that accordingly no amendment should be allowed which would have the effect of defeating that provision. After considering the English decisions on the statutory provisions which are *pari materia* with our enactments, the Court held that the Election Tribunal had no power to permit a new ground to be raised beyond the time of limitation prescribed by s. 81 of the Act. Mr. A. V. Viswanatha Sastri contended that the learned Judges, having rightly conceded the power of the Election Tribunal to amend the pleadings under O. VI, r. 17, Civil Procedure Code, went wrong in limiting that power in the way they did, and that the reason advanced by them in limiting that power equally applies to the pleadings in a suit, for, it is said, under the Indian Limitation Act, every suit filed beyond the prescribed period of limitation shall be dismissed although limitation has not been set up as a defence. There is no doubt some force in this contention, but this argument was presumably advanced before the learned Judges and was negatived on the following ground stated at p. 392:

"The Tribunal sought to get over this difficulty by relying on the principle well-established with reference to amendments under O. VI, r. 17, that the fact that a suit on the claim sought to be raised would be barred on the date of the application would be a material element in deciding whether it would be allowed or not but would not affect the jurisdiction of the court to grant it in exceptional circumstances as laid down in *Charan Das v. Amir Khan* [(1920) I.L.R. 47 I.A. 255]. But this is to ignore the restriction imposed by s. 90(2) that the procedure of the court under the Code of Civil Procedure in which O. VI, r. 17 is comprised, is to apply subject to the provisions of the Act and the rules, and there being no power conferred on the Tribunal to extend the period of limitation prescribed, an order of amendment permitting a new ground to be raised beyond the time limited by s. 81 and r. 119 must contravene those provisions and is, in consequence, beyond the ambit of authority conferred by s. 90(2)."

This passage indicates that the learned Judges were aware of the argument now advanced and, for the reason mentioned by them, namely, that unlike a civil suit wherein the Court can extend the period of limitation in a proper case, the Tribunal has no such power, rejected the argument. We are bound by this decision.

At this stage we must guard against one possible misapprehension. Courts and Tribunals are constituted to do justice between the parties within the confines of statutory limitations, and undue emphasis on technicalities or enlarging their scope would cramp their powers, diminish their effectiveness and defeat the very purpose for which they are constituted. We must make it clear that within the limits prescribed by the decisions of this Court the discretionary jurisdiction of the Tribunals to amend the pleadings is as extensive as that of a Civil Court. The same well-settled principles laid down in the matter of amendments to the pleadings in a suit should also regulate the exercise of the power of amendment by a Tribunal. This aspect has not been ignored by this Court in the aforesaid decision, and the Court observed, at p. 394:

"It is no doubt true that pleadings should not be too strictly construed, and that regard should be had to the substance of the matter and not the form."

The foregoing discussion yields the following results: (1) Sub-cl. (i) and (iv) of s. 100(1)(d) of the Act provide for two distinct grounds; the former for the case of improper acceptance of any nomination, and the latter for that of non-compliance with the provisions of the Constitution or of the Act, or of any rules or orders made under the Act; (2) when the candidate appears to be properly qualified on the face of the electoral roll and the nomination paper and no objection is raised to the nomination, the acceptance of the said nomination by the Returning Officer must be deemed to be proper acceptance; (3) even if there is a proper acceptance, it is open to the petitioner to question the validity of the election under s. 100(1)(d)(iv) on other grounds, namely, that the candidate whose nomination was accepted was not qualified at all or could not be deemed to be duly nominated as a candidate for the reason that he did not comply with the provisions of s. 33(3) of the Act; and (4) if the second ground in substance

is not taken in the petition—substance is more important than form—the Tribunal has no power after the prescribed period of limitation for the filing of the petition to allow an amendment introducing the second ground.

With this background we shall proceed to scrutinize the pleadings in the light of the rival contentions. The election petition contains seven paragraphs. The relief claimed is that the election of the appellant from the parliamentary constituency No. 331, Kanpur, be declared void. The first paragraph gives the credentials of the petitioner to enable him to file the petition. Paragraphs 2 and 3 give the sequence of events which ended in the declaration of the appellant as duly elected from the constituency to the Parliament. Paragraph 5 states that the election of the appellant is void and is liable to be set aside on the ten grounds, among others, specified therein. Paragraph 6 states that the cause of action accrued to the petitioner on or about January 29, 1957, when the nomination papers were filed for the said election, and subsequent thereto. Now coming to the grounds in sub-paragraphs (a), (b) and (c) of paragraph 5, it is stated that the appellant had been dismissed by Government from service on charges of disloyalty and gross misconduct on January 24, 1956, but he did not submit to the said order and filed a writ petition in the High Court at Calcutta questioning the validity of the said order, that under the circumstances he should be deemed to be a Government servant and, therefore, he was not competent to be nominated as a candidate for election to Parliament. Sub-paragraph (d) is the most important paragraph to the present enquiry and therefore it may be extracted in full. It reads:

“That apart from the above mentioned reasons the nomination paper of the respondent was also improperly accepted by the Returning Officer, inasmuch as, the respondent having been dismissed from Government Service did not obtain a certificate in the prescribed manner from the Election Commission to the effect that he had not been dismissed for corruption or disloyalty to the State.”

This sub-paragraph in clear and unambiguous terms raises the ground of improper acceptance of the nomination paper by the Returning Officer i.e., the ground covered by s. 100(1)(d)(i) of the Act. The reason for sustaining the said ground is stated to be that, having been dismissed from Government service, he did not obtain a certificate in the prescribed manner from the Election Commission. *Ex facie* this sub-paragraph does not refer to s. 33(3) or to the contents of that sub-section. A nomination paper may be accepted by the Returning Officer in spite of one or other of the following two defects; (i) the candidate who has been dismissed may have filed the nomination paper without its being accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that he has not been dismissed from service for corruption or disloyalty to the State: *vide* s. 33(3); and (ii) the candidate has been disqualified for being chosen as a member of Parliament: *vide* s. 9(3). In this sub-paragraph in support of the ground that the nomination of the appellant was improperly accepted, reference was made to the second defect and not to the first. That this must have been the intention of the respondent is also made clear from the circumstance that in sub-paragraph (i) reference was made to the latter sub-section but not to the former. The argument that the opening words of sub-paragraph (d), “That apart”, indicate that this is a ground in addition to the ground based on the non-obtaining of a certificate in the prescribed manner, and, therefore, should only refer to the non-accompaniment of a certificate, has no force; for sub-paragraphs (a), (b) and (c), which precede sub-paragraph (d) raise a different point altogether, namely, that notwithstanding the dismissal, as the appellant had filed a petition in the High Court questioning the validity of the order of dismissal, he was still a Government servant on the crucial date. Be it as it may, the important point to be noticed is that sub-paragraph (d) raises a ground under sub-cl. (i) and not under sub-cl. (iv) of s. 100(1)(d) of the Act, and even if the facts mentioned therein are disannexed from the ground, they refer only to the disqualification of the appellant to stand as a candidate for the election and not to the procedural defect covered by s. 33(3) of the Act. Sub-paragraphs (e), (f) and (g) relate to the objections which are not material for the present inquiry. Sub-paragraph (h) contains a general statement that the appellant was disqualified to be chosen to fill the parliamentary seat. Sub-paragraph (i) specifically refers to s. 9(3) of the Act. We are not also concerned with the allegations in sub-paragraph (j).

The foregoing analysis of the allegations in the petition, so far as they are relevant to the question raised, discloses the following two circumstances: (i) the ground taken in the petition was that there was an improper acceptance of the nomination covered by s. 100(1)(d)(i) for the reason that the appellant, having

been dismissed from Government service, did not obtain a certificate in the prescribed manner; and (ii) there was no ground which would fall under sub-cl. (iv) of s. 100(1)(d) of the Act, viz., that the appellant was not to be deemed to be duly nominated as a candidate as his nomination paper was not accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that he had not been dismissed for corruption or disloyalty to the State. In the application for amendment which was filed after the prescribed period of limitation, two amendments were asked for—one to sub-paragraph (i) of paragraph 5 and the other to sub-paragraph (d) thereof. The former was for substituting the figure "33" for the figure "9" and the latter to introduce a statement in that paragraph to the effect that the nomination paper was not accompanied by the prescribed certificate. The subsequent petition, as we have already noticed, sought for the same amendment to paragraph (5) (d) in an abbreviated form. But what is important to notice is that even the proposed amendment sought to bring in the said statement under the ground of "improper acceptance" and not under s. 100(1)(d)(i) of the Act. The appellant filed a counter-affidavit opposing both the amendments. The Tribunal noticed the judgment of this Court and applied the principles laid down therein to the facts before it. It also considered in detail the allegations in the petition and arrived at the following findings: (i) "All what has been urged throughout is that the respondent was a Government servant or a dismissed Government servant and no certificate having been obtained from the Election Commission about his dismissal not being for corruption or disloyalty, he was not eligible for election as a candidate to the House of the People", and (ii) "Sub-section (3) of s. 33 which is a provision laying down a certain procedure was never in the mind of the Petitioner while the petition was being drafted or prepared, and that is why we find no reference to the certificate not being filed with the nomination paper." He concludes his discussion thus:

"It would thus be seen that the amendment sought by the petitioner offends against the conditions laid down by their lordships of the Supreme Court in *Harish Chandra Bajpai v. Triloki Singh* ⁽²⁾ relating to the application of Order VI, Rule 17 of the Civil Procedure Code to proceedings before an Election Tribunal. It has been specifically laid down that an amendment will not be allowed if the effect of it be to permit a new ground or charge to be raised or to so alter its character as to make it in substance a new petition. That would exactly be the effect of the amendment sought by the petitioner....".

It will be seen, therefore, that the Tribunal has put before itself the correct principles governing its powers of amendment and found, on a construction of the allegations in the petition, that by the proposed amendment, the respondent was seeking to introduce a new ground after the period of limitation. This order was made by the Tribunal in the exercise of its discretion in strict conformity with the principles laid down by this Court.

The next question is whether the High Court was justified in setting aside that order. It was argued before the High Court that the amendment application was wrongly refused and that even as the election petition stood without the amendment it contained sufficient averment of facts to make out a ground under s. 100(1)(d)(i) of the Act, and in the alternative that it made out a ground under s. 100(1)(d)(iv) of the Act. Before the High Court the learned Counsel for the respondent withdrew his prayer for the amendment of sub-paragraph (i) of paragraph 5 of the election petition; with the result the only paragraph on which reliance was placed by the respondent was sub-paragraph (d) of paragraph 5. The High Court also noticed the judgment of this Court in *Harish Chandra Bajpai's case* ⁽²⁾ and posed the following question for its decision:

"The important thing is whether in substance the petition contains the particular ground of attack or not."

It proceeded to consider whether the original sub-paragraph (d) of paragraph 5 contained any ground and if so, what?: and whether a new ground was sought to be raised in the garb of an amendment. After reading the said sub-paragraph, it expressed the view that the ground, in its opinion, would fall under s. 100(1)(d)(i) of the Act; and that conclusion was based on the allegations in the said sub-paragraph that there was an improper acceptance of the nomination and that the appellant had not obtained the necessary certificate from the Election

(2) [1957] S.C.R. 370.

Commission. It has stated that in the circumstances of the case the respondent meant to state that, as the certificate had not been obtained, it could not have accompanied the nomination paper. The learned Judges of the High Court concluded their discussion thus:

'We also think that the Tribunal should have permitted the amendment because the ground of attack had been clearly made out and the only mistake committed by the appellant was not to put it in proper words.'

In short, the view of the High Court was that sub-paragraph (d) contained the ground under s. 100(1)(d)(i) of the Act and what was asked for by way of amendment was only a clarification of that ground.

The High Court, in our view, has missed the real point raised before it. We have already pointed out that, in view of the judgment of this Court in *Durga Shankar Mehta's case* (1), there was no improper acceptance of the nomination paper by the Returning Officer, for the nomination paper *ex facie* did not disclose any defect or disqualification. The petition for amendment asked for inserting a statement in sub-paragraph (d) of paragraph 5 under the ground of improper acceptance of the nomination paper *viz.*, that the prescribed certificate did not accompany the nomination paper of the candidate, and that at the appellate stage the other proposed amendment based upon s. 33(3) of the Act was given up. The result was that no relief for raising the ground under s. 100(1)(d)(iv) had survived and that the ground under s. 100(1)(d)(i) was not open to the respondent. In the circumstances, the amendment would be foreign to the scope of the enquiry under the ground governed by s. 100(1)(d)(i) of the Act.

That apart, could it be said that the High Court was justified in the circumstances of this case to interfere with the discretion of the Tribunal? An appellate Court has no doubt an unquestioned right to review or modify the order made by a subordinate Court; but it is undesirable to do so when the subordinate Court made an order in the exercise of its discretion without exceeding the limits of its power, unless it acted perversely or unless the view taken by it is clearly wrong. In this case, the Election Tribunal neither exceeded its powers nor acted perversely; and indeed its order advanced the cause of justice in that it helped to maintain the election of a candidate who was duly qualified and who secured a large majority of votes over all the rival candidates. We have carefully considered the reasons set out in the judgment of the High Court in support of its decision that the amendment should have been allowed by the Tribunal, and in our opinion the said reasons are unsatisfactory and on some points far fetched. In the circumstances, we do not see any justification, after the entire petition was disposed of, for the High Court to interfere with the said discretion. We therefore set aside the order of the High Court.

It is represented to us by the learned counsel for the appellant that in the High Court the only point argued was that the amendment should have been allowed, and no other point was pressed. The learned counsel for the respondent does not accept this position. In the circumstances, we have no other option but to remand the case to the High Court for disposal in accordance with law. The respondent will pay the costs to the appellant.

(Sd.) BHUVANESHWAR P. SINHA C. J.

(Sd.) P. B. GAJENDRAGADKAR J.

(Sd.) K. Subba Rao J.

(Sd.) K. C. DAS GUPTA J.

(Sd.) J. C. SHAH J.

The 20th November, 1959.

[No. 82/284/57.]

By order,

C. B. LAL, Under Secy.

(1) [1955] I.S.C.R. 267.

MINISTRY OF LAW

(Department of Legal Affairs)

New Delhi, the 8th March 1960

S.O. 583.—In exercise of the powers conferred by clause (1) of Article 299 of the Constitution, the President hereby directs that the Officer on Special Duty in the India Supply Mission, Washington, shall execute, on his behalf, all contracts and other instruments relating to purchases financed from the Export Import Bank Credit and the Development Loan Fund.

[No. F. 17(2)/60-J.]

P. K. BOSE, Dy. Secy.

CABINET SECRETARIAT

New Delhi, the 2nd March, 1960

S.O. 584.—In exercise of the powers conferred by sub-section (2) of section 1 of the Indian Statistical Institute Act, 1959 (57 of 1959), the Central Government hereby appoints the 1st day of April, 1960 as the date on which the said Act shall come into force.

[No. 10/5/59-Estt.(A).]

M. V. NILAKANTA AYYAR, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 2nd March 1960

S.O. 585.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1957, published with the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 607, dated the 28th February, 1957, namely:—

In Part II of the said Schedule, against the entry "Central Secretariat Stenographers Service, Grade I", after the existing entries in columns 3 and 4, the following entries shall be inserted, namely:—

3	4
“(c) Election Commission	Secretary, Election Commission.
	(i)”

[No. F. 7/4/60-Ests.(A).]

B. SHUKLA, Dy. Secy.

CORRIGENDA

New Delhi, the 7th March 1960

S.O. 586.—In the Ministry of Home Affairs Notification No. S.O. 1321, dated the 8th June, 1959, published in the Gazette of India, Part II, Section 3—Sub-Section (ii), dated the 13th June, 1959 at page 1356 for

“in exercise of the powers respectively conferred on them by the Police Act, 1861 (V of 1861)”

Read

“in exercise of the powers respectively conferred on them by Sub-Section (2) of Section 46 and Section 12 of the Police Act, 1861 (V of 1861)”.

[No. 58/12/59-ANL.]

A. D. SAMANT, Under Secy.

MINISTRY OF FINANCE**(Department of Expenditure)***New Delhi, the 29th February 1960*

S.O. 587.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 36

Add the following para in Column 4, against serial No. 18 of the Annexure to Schedule V:—

“(a) The Ministry of External Affairs have powers to sanction renting of accommodation, both office as well as residential for Missions abroad up to Rs. 5,000 per month in consultation with the Financial Adviser, subject to the scales prescribed by C.P.W.D. for different categories of staff. Any case involving rental more than that will be referred by the Ministry of External Affairs to Ministry of Finance. In these cases the prior consultation with Ministry of Works, Housing and Supply and Central Public Works Department will not be necessary.”

[No. F. 12(18)-EII(A)/60.]

S.O. 588.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely,

Amendment No. 37

The words “maintenance, upkeep and repairs” may be substituted for the words “Maintenance and upkeep” occurring in Column 2 against Serial No. 12(11) of the Annexure to Schedule V.

[No. 12(19)E. II(A)/60.]

New Delhi, the 4th March 1960

S.O. 589.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 38.

In the Annexure to Schedule V, under column 4 against item 26, “Telephone Charges” the following sub-para may be added.

“Heads of Departments may also exercise this power in respect of installation of connections under Auto Inter-Communication Telephone System or any other similar system if this is done with a view to economy in expenditure having regard to the expenditure that could otherwise have to be incurred on direct telephone connections”.

[No. F. 12(155)-E.II.(A)/59.]

K. P. SIRCAR, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 3rd March, 1960

S.O. 590.—Statement of the Affairs of the Reserve Bank of India, as on the 26th February, 1960

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	25,94,80,000
Reserve Fund	80,00,00,000	Rupee Coin	2,11,000
National Agricultural Credit (Long-term Operations) Fund	30,00,00,000	Subsidiary Coin	5,58,000
National Agricultural Credit (Stabilisation) Fund	4,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal
(a) Government		(b) External
(1) Central Government	51,76,49,000	(c) Government Treasury Bills	8,11,38,000
(2) Other Governments	30,22,09,000	Balances held abroad*	35,79,61,000
(b) Banks	79,95,97,000	**Loans and Advances to Governments	25,98,99,000
(c) Others	93,90,36,000	Other Loans and Advances†	121,06,53,000
Bills Payable	19,40,30,000	Investments	204,71,24,000
Other Liabilities	41,20,41,000	Other Assets	13,75,38,000
TOTAL	435,45,62,000	TOTAL	435,45,62,000

*Includes Cash & Short term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 5,68,20,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 1st day of March, 1960.

As Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 26th day of February 1960

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	25,94,80,000		A. Gold Coin and Bullion :—		
Notes in circulation	<u>1798,97,52,000</u>		(a) Held in India	117,76,03,000	
Total Notes issued		1824,92,32,000	(b) Held outside India	
			Foreign Securities	<u>163,00,89,000</u>	
			TOTAL OF A		280,76,92,000
			B. Rupee Coin		126,85,90,000
			Government of India Rupee Securities		1417,29,50,000
			Internal Bills of Exchange and other commercial paper
TOTAL—LIABILITIES		1824,92,32,000	TOTAL—ASSETS		<u>1824,92,32,000</u>

Dated the 1st day of March, 1960.

H. V. R. LENGAR,
Governor.

[No. F. 3(2)-BC/60.]
A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

New Delhi, the 5th March 1960

S.O. 591.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the name of the following institution shall be added to the Schedule to the said Act namely:—

"INDIAN INSTITUTE OF PUBLIC ADMINISTRATION, NEW DELHI".

[No. 5(1)-PII/60.]

V. DORAISWAMY, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 5th March 1960

S.O. 592.—In pursuance of clause (a) of sub-section (1) and sub-section (4) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government appointed Shri M. V. Rangachari as a Deputy Governor of the Reserve Bank of India for a term of five years, with effect from the 1st March, 1960.

[No. F. 3(71)-BC/59.]

A. BAKSI, Jt. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 2nd March 1960

S.O. 593.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that Shri R. Kothandaraman, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the following Income-tax Circles, Wards and Districts, namely:—

1. Rajkot Circle, Rajkot.
2. Bhavanagar Circle, Bhavanagar.
3. Jamnagar Circle, Jamnagar.
4. Surendranagar Circle, Surindernagar.
5. Junagadh Circle, Junagadh.
6. Amreli Circle, Amreli.
7. Morvi Circle, Morvi.
8. Porbandar Circle, Porbandar.
9. Bhuj Circle, Bhuj.
10. Surat Circle, Surat.
11. Navsari Circle, Navsari.
12. Broach Circle, Broach.
13. Nadiad Circle, Nadiad.
14. Godhra Circle, Godhra.
15. Baroda Circle, Baroda.
16. Special Circle, Baroda.
17. Petlad Circle, Petlad.
18. Mehsana Circle, Mehsana.
19. Patan Circle, Patan.
20. Circle I, Ahmedabad.

21. Circle II, Ahmedabad.
22. Circle III, Ahmedabad.
23. Circle IV, Ahmedabad.
24. Special Circle, Ahmedabad.
25. Special Survey Circle, Ahmedabad.
26. Special Investigation Circle, Ahmedabad.
27. Palanpur Circle, Palanpur.
28. E.D.-cum-I.T. Circle, Ahmedabad.
29. E.D.-cum-I.T. Circle, Baroda.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him:

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said R. Kothandaraman shall be designated as the Commissioner of Income-tax, Bombay North with headquarters at Ahmedabad.

This notification shall be deemed to have taken effect from the 19th February, 1960 (Fore-noon).

Explanatory Note

NOTE.—The amendments have become necessary on account of a change in the incumbent of the post of the Commissioner of Income-tax.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 21 (F. No. 551/60-IT.)]

D. V. JUNNARKAR, Under Secy.

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA

CENTRAL EXCISE

Calcutta, the 15th February 1960

S.O. 594.—In exercise of the powers conferred on me under rule 233 of the Central Excise Rules, 1944, I hereby direct that the manufacturers of Rayon or Artificial Silk Fabrics, or Cotton Fabrics in Powerloom factories (without spinning plant) licensed under Central Excise Rules, 1944 and paying Central Excise duty under special procedure as provided in Section E. III of Chapter V of the Central Excise Rules, 1944, situated in the jurisdiction of this Collectorate, shall paint distinct number on each loom installed in the factory in serial order, irrespective of whether the loom is employed on the manufacture of any excisable fabrics or not and shall maintain a disposition chart for each such premises in the enclosed Form 'A'.

2. Every manufacturer shall make an entry in the loom disposition chart in Form 'A' immediately on the commencement of a shift within thirty minutes of starting of any loom on any variety of fabrics at subsequent stage during a shift.

3. The variety of the fabrics manufactured shall be indicated in the power-loom disposition chart by using the following abbreviations. (All the entries shall be made in ink only).

- | | |
|-------------------------------------|---------|
| 1. Rayon or artificial silk fabrics | .. 'AS' |
| 2. Cotton fabrics. | .. 'CF' |
| 3. Exempted Fabrics. | .. 'X' |
| 4. Non-excisable fabrics. | .. 'NE' |
| 5. Idle looms | .. 'I' |

4. Where the manufacturer produces both art silk and cotton fabrics, it is not necessary to maintain separate looms disposition chart for both the commodities.

5. At the end of each shift the total number of looms employed for each variety of fabrics and the number of looms which remained idle shall be clearly indicated in the looms disposition chart. The chart showing the disposition of the looms shall be hung in the weaving shed and shall be made available as and when demanded by any officer of this department.

6. Manufacturers who already maintain their own account giving the information similar to those required in the looms disposition chart, shall obtain specific exemption from the Superintendent of Central Excise having jurisdiction over the factory.

FORM — 'A'

Powerlooms Disposition Chart Month

Name of the manufacturer L. 4 No. Premises

Serial No. of looms	No. of shift	Dates				Upto the end of month (including Sundays & holidays)
		1	2	3	4	
1.	1st					
	2nd					
	3rd					
2.	1st					
	2nd					
	3rd					
TOTAL						
1. A.S.F.	1st shift					
	2nd shift					
	3rd shift					
2. C.F.	1st shift					
	2nd shift					
	3rd shift					
3. X	1st shift					
	2nd shift					
	3rd shift					
4. N.E.	1st shift					
	2nd shift					
	3rd shift					
5. Idl:	1st shift					
	2nd shift					
	3rd shift					

[No. 1/1960.]

[C. No. V1(21)Adm-6/CE/60.]

S. P. KAMPANI, Collector.

POONA COLLECTORATE OF CENTRAL EXCISE, POONA**CENTRAL EXCISE***Poona, the 19th February 1960*

S.O. 595.—The following amendment is issued to this Office Notification No. CER/5/1/59 dated 13th August, 1959 issued in pursuance of Rule 5 of the Central Excise Rules, 1944.

"All Entries relating to Rule 9 in the Table appended to the said Notification are hereby cancelled."

[No. CER/4/1960.]

M. T. SHANBHAG, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BANGALORE**CENTRAL EXCISE***Bangalore, the 24th February 1960*

S.O. 596.—In pursuance of Rule 5 of the Central Excise Rules, 1944, I empower Central Excise Officers of and above the rank specified in Column 1, the powers of 'COLLECTOR' conferred by the provisions of the Central Excise Rules enumerated in Column 2 subject to the limitations set out in Column 3 of the Table.

TABLE

Rank of Officer	Central Excise Rules	Limitations
1	2	3
Superintendent of Central Excise	96 'O'	Under Rule 96-O(4), the Superintendent shall exercise the powers only in respect of cases where the delay in presenting the A. S. P. is not more than 15 days over the statutory period. Where the delay is more than 15 days the Superintendent should report full facts of the case to the Assistant Collector who after considering the merits of the case may either direct the Superintendent to condone the delay or may order withholding of permission.
Do.	96 Q (2)	Provided the delay in filing A.R. 7 and or making weekly deposits is not more than 5 days.

2. This supersedes this office Notification No. 7/59, dated 5-8-1959.

[Issued from file C. No. VI(y)21/15/60 B.1.]

[1/60.]

A. R. SHANMUGAM, Collector.

OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE, PONDICHERRY**C. E. PUBLIC NOTICE***Pondicherry, the 24th February 1960*

SUB.—V.N.E. Oils—System of compounded levy for—Revision of

S.O. 597.—Attention is drawn to this office C.E. Public Notices Nos. 2/59 and 3/59.

2. With a view to help the small scale manufacturers producing V.N.E. Oils with the aid of power the simplified procedure scheme for the Control of and realisation of duty from such manufacturers was prescribed. Also these manufacturers were given the option to opt for the compounded levy scheme under which the manufacturers were required to pay a composition fee on the rated capacity of the equipment employed, instead of following the normal procedure of paying duty on the actual production. Both these procedures were confined to units having an installed capacity of production of not more than 75 tons a year. It has now been decided to withdraw the simplified procedure scheme and to enlarge the scope of the compounded levy scheme so as to enable a large number of manufacturers employing even expellers to become eligible for working under the scheme.

3. The revised scheme of compounded levy will come into force with effect from 1st March 1960. This scheme will be the only alternative to payment of duty under the normal S.E. procedure. The simplified procedure prescribed in this office C.E. Public Notice No. 2/59, dated 26th March, 1959 and other instructions, issued in connection therewith should therefore, be deemed to have been withdrawn with effect from 1st March, 1960.

4. The Revised scheme as a whole is broadly explained below:—

- (a) The compounded levy scheme will be applicable *only* to manufacturers who employ upto to 24 Rotaries, or Ghanics, or Kohlus or Pintos or Chekkus, or a combination of any of these equipments nor exceeding 24 in number, *and/or* expellers not exceeding two;
- (b) The scheme will also be applicable to such manufacturers as employ equipments in excess of those indicated in (a) above **SUBJECT HOWEVER TO THE CONDITION THAT THE EXCESS NUMBER OF EQUIPMENT IS EFFECTIVELY SEALED OFF;**
- (c) With a view to facilitate the small scale manufacturers and to ensure that the advance payment of composition fee does not become burdensome, the rates of composition fee have been fixed on weekly basis per equipment. Since most of the small-scale manufacturers do not work on the basis of any recognised shifts either because of the scarcity of seed or because of power supply, etc., it has been decided to divide these manufacturers into three categories, namely (a) those who work for a period not exceeding 48 hours in a week, (b) those, who work for a period exceeding 48 hours but not exceeding 96 hours in a week; and (c) those working for a period exceeding 96 hours in a week;
- (d) Separate rates have, therefore, been prescribed for the above three categories of manufacturers. Thus, when applying for the Special Procedure and putting in the A.R. 7 every manufacturer should specifically declare whether he proposes to work for a period upto 48 hours a week, or for a period exceeding 48 hours but not exceeding 96 hours a week, or for more than 96 hours a week, together with the approximate timings of the working hours of the factory. There are several manufacturers who work, during the one or two market (Hat) days in the week for 20 hours a day, but remain idle for the rest of the week. Such manufacturers can get the advantage of the rates of duty prescribed for units working 48 hours a week by giving the necessary declaration in the A.R. 7;
- (e) Every manufacturer should pay, *initially*, at the time of submission of first A.R. 7 application, the composition fee for two weeks, and thereafter in every week so that at the beginning of each week there is always two weeks' deposit available with the Department;
- (f) The rates of duty (composition fee) are as follows:—

Weekly rate of duty per equipment working for

Type of unit	Weekly rate of duty per equipment working for		
	Not more than 48 hrs. in a week.	More than 48 hrs. but not more than 96 hrs. in a week	More than 96 hrs. a week
	Rs.	Rs.	Rs.
I Units employing Ghanics or Kohlus or Pintos or Chekkus			
(a) Not exceeding two in No.	10.00	20.00	30.00
(b) Exceeding 2 but not exceeding 4 in number	12.50	25.00	37.50
(c) Exceeding 4 but not exceeding 6 in number	15.00	30.00	45.00
(d) Exceeding 6 but not exceeding 24 in number	20.00	45.00	70.00
II Units employing rotaries			
(a) Not exceeding 2 in number	18.00	40.00	60.00
(b) Exceeding 2 but not exceeding 4 in number	20.00	45.00	70.00
(c) Exceeding 4 but not exceeding 24 in number	30.00	65.00	100.00
III Units employing Expellers			
(a) Baby expellers not exceeding 2 in number	90.00	210.00	350.00
(b) Expellers other than Baby Expellers not exceeding two in number	250.00	550.00	850.00

In the case of units employing Ghanies or Kohlus or Pintos or Chekkus or Rotaries in addition to the expellers the Weekly rate of duty prescribed under I(d) or II(c) as the case may be, shall be applicable to each such equipment. For the purpose of these rates the week shall be reckoned from 1st to 7th, 8 to 14th, 15th to 21st and 22nd to 28th of a calendar month. The duty for the remaining 2 or 3 days of the calendar month except the month of February as the case may be shall be calculated at the rate of one-third of the weekly rate of duty and should be paid by the manufacturer along with the duty payable by him for the 4th week;

- (g) A manufacturer who is eligible to avail of this special procedure shall apply every six months on form A.S.P. to the Superintendent for permission to work under this procedure for a period of six months;
- (h) A manufacturer who has been allowed to avail of this special procedure should submit an application in Form A.R. 7 in quadruplicate by the 26th of the month preceding the month for which the special procedure is to be availed of;
- (i) A manufacturer must also declare in his application in Form A.R. 7 the number of equipments installed in his premises and the number of equipments he proposes to employ during each week, in addition to the information mentioned in (c) above;
- (j) Three copies of the Form A.R. 7 will be prescribed by the manufacturer, exactly as in the case of Form A.R. 1 to the treasury along with a sum equal to the amount of duty payable by him for two weeks *initially*. Where, however, an account current has been maintained with the Collector, the application will be presented to the Range Officer of Central Excise, having jurisdiction over the factory for debit to the account current. Alternatively, the manufacturer may remit the amount, adjudged to be payable by him for two weeks, either by following the T.R. 5 procedure or by remitting it by the Special Revenue Money Order and present the Money Order receipt to the Range Officer;
- (k) Two copies of the application receipted by the Treasury, or by the Range Officer, or duly supported by Money Order receipt, as the case may be, will then be presented by the manufacturer to the Local Superintendent of Central Excise before the end of the month for his permission to be recorded on the copies. Such permission shall be granted *initially* after payment of the duty for two weeks and thereafter after payment of the duty for first week, subject to the condition that the duty for the second week, third week and fourth week inclusive of the remaining 2 or 3 days of the calendar month, at the rates already indicated in the application will be remitted by the manufacturer at least 2 days before the week next following. Out of the initial deposit of two weeks' duty, one week's deposit shall always be maintained. In other words, at the beginning of every week the manufacturer's deposit shall invariably be not less than his duty liability for two weeks. Proof of payment of the duty for the second week, third week and fourth week including remaining 2 or 3 days of calendar month should be made available by the manufacturers to the Range Officer who should positively visit the factories in his jurisdiction once in every week. The officers during their visits should also ensure that the log-book is being maintained by the manufacturers and correct timings of starting and closing of factories are entered therein;
- (l) Before a unit, which is at present working either under the simplified procedure or under normal procedure, starts working under this scheme, the balance of non-duty-paid V.N.E. Oils in stock in such factory on the midnight of the date from which the factory starts working under the compounded levy procedure should be ascertained and verified by an officer not below the rank of an Inspector. Such oils will be cleared on payment of duty under normal procedure and should not be mixed up with the oils which will be produced after commencement of compounded levy system;
- (m) During the period for which permission has been granted in the manner stated above, a manufacturer will be exempt from the provisions of Rule 9 - [excepting the second proviso to sub-rule (i)]

thereof] 47, 49, 50, 51, 51-A, 52, 52-A, 55, 223, 223-A, 224, 224-A and 229. He will however, be subject to the rest of the provisions of the Central Excise Rules, 1944, so that *inter alia* he will be required to:

- (i) submit a return in Form R.T. 3, and
 - (ii) Allow access to any officer, at all reasonable times, to enter his premises and check his operations and accounts;
- In regard to (k) it will be sufficient if the manufacturers are asked to submit an extract of totals for the month from their register in Form R.G. 19 and that should be deemed to be the return in Form R.T. 3 for all purposes;
- (n) During the period for which permission has been granted in the manner stated above, a manufacturer desirous of discontinuing manufacturing operations for any week should give notice of his intention to do so, to the Range Officer at least two days before the closing down of such operations. Such manufacturer before recommencing manufacturing operations should give notice of his intention at least two days before the recommencement of such operations and also deposit the duty payable by him under rule 98-P(3) if the deposit at the time of recommencement is less than the initial deposit of duty payable by him for two week;
 - (o) Two Registers, namely, the Log Book Register showing the time of starting and closing the factory, and the Register showing the number of equipments employed and duty should be maintained. If some manufacturers do not want to maintain the two Registers separately, they will be permitted to show daily in the Remarks Column of R.G. 19 the information required in the Log Book Register.

5. For any other details the trade can contact the Central Excise Officer concerned.

[No. 2/60 File VIY/21/6/60.]

A. J. B. LOBO, Collector.

OFFICE OF THE ASSTT COLLECTOR OF CENTRAL EXCISE AND LAND CUSTOMS, GOA FRONTIER DIVISION, BELGAUM

NOTICES

Belgaum, the 23rd February 1960

S.O. 598.—Whereas it appears that the goods as mentioned in the under-mentioned table seized in the vicinity of the Indo-Goa border, were imported by land from Goa (Portuguese possession in India) in contravention of the Rules and Notifications as mentioned against each:

Serial No.	Date & place of seizure	By whom detected	Description of goods	Quantity	Rules contravened
1	2	3	4	5	6
394 (c) 59	27-5-1959, "Masakimung- gle" Talwadi Range.	S. R. Pstaff posted at Mendil.	(1) Press-studs. (2) Gunny-bag cards of 3 Doz. (Container one) each.	45 Bds. of 48 cards of 3 Doz.	Sec. 5(1) of the Land Customs Act, 1924, Govt. of India, Ministry of Commerce & Industry, Im- port Control Order No. 17 55 dt. 7-12-55 issued under Sec. 3 (2) of the Imports Ex- ports Control Act, 1947 & deemed to have been issu- ed under Sec. 19 of the Sea Customs Act, 1878.

1	2	3	4	5	6
417/59	1-8-1959, Rly. Station Londa	Inspector of C. Ex., Londa	(1) Old trunk. (2) Spark Plugs Made in USA (3) Cloth piece (Decaran) with mark super wash & Wear U.S.A. (4) Full sleeves shirts (Used and old) (5) Used white full pants. (6) Portuguese coin.	One 13 boxes of 10 plugs each 6 Yards & 12 Yards. 2 shifts 2 pants 1 of $\frac{1}{2}$ rupee.	Do. (in respect of item Nos. 1, 2, & 3.)

Now, therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs, Goa Fr. Div., Belgaum why the above mentioned goods should not be confiscated under Sec. 5(3) of the Land Customs Act, 1924 and read with Sec. 167(8) of the Sea Customs Act, 1878, and why a penalty should not be imposed on him under Sec. 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Govt. of India Gazette the goods in question will be treated as unclaimed and case will be decided accordingly.

[No. VIII(b)10-394(c)&427/59.]

Belgaum, the 29th February 1960

S.O. 599.—Whereas it appears that the goods as mentioned in the under-mentioned table seized in the vicinity of the Indo-Goa border were imported by land from Goa (Portuguese possession in India) in contravention of the Rules and Notifications as mentioned against each:—

Sl. No.	Date & place of seizure	By whom detected	Description of goods	Quantity	Rules Contravened
37/60	14-2-1960 at Talewadi jungle	Inspector of C.E. Talewadi	(1) Cloves in 6 gunnies (2) Betelnuts in 4 gunnies	151 Srs. 89 Srs.	Sec. 5(1) of the Land Customs Act, 1924
41/60	2-2-1960 at Bodne jungle Bhedshi Beat	Inspector of Bhedshi Range	1 Cloves	3 B. Mds. & 25 Secrs	Government of India, Ministry of Commerce and Industry, Import Control Order No. 17/55 of 7-12-55 issued under Secs. 3 & 4-A of the Imports & Exports Control Act, 1947 further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise, Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated

under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) and Section 3(2) of the Imports and Exports Control Act, 1947 and Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-37, 41/60.]

S.O. 600.—Whereas it appears that the goods as mentioned in the under-mentioned table seized in the vicinity of the Indo-Goa border, were about to be exported by land from India to Goa (Portuguese possession in India) in contravention of the Rules and Notifications as mentioned against each:—

Sl. No.	Date and place of seizure	By whom detected	Description of goods	Quantity	Rules contravened
34/60	11-12-59 Nanasari	Sub-Inspector C. Ex. Soliya	(1) Alluminium pots of Cronen Co. (2) Cotton Banian of Chaman Co. (3) Reels of imitation Silver threads (4) Patromax mantles of 12 pkts. plats Co. packets each of 12 mantles (5) Gangawan (6) Gangawan medium size. (7) Gangawan bigger size (8) Pain Balm Bottles (9) New fashion Rolled gold Ear rings pkts. each of 3 pairs. (10) Chemical Diamonds Rolled gold ear rings pkts. of 3 pairs each. (11) Rolled gold ear rings wrapped in red paper pkts of 3 pairs each. in an (12) Nirala Chemical Rolled gold ear rings pkts of 3 pairs each (13) Nirala chemical rolled gold ear rings pkts. of 6 pairs each (14) Ordinary rolled gold ear rings pkts. of 12 pairs each (15) Monkey brand black tooth powder bottle of big size (16) Kamla plastic hair clips pkts. of 12 clips each	3 pots 1 16 12 pkts. 36 25 60 3½ 3 4 4 pkts. 6 pkts. 2 pkts. 9 pkts. 1 btl. 3 Dozs.	Sec. 5 (1) of the Land Customs Act, 1924 and Government of India, Ministry of Commerce and Industry, Export Control Order No. 1/58 dated 1-5-1958, issued under Secs. 3 & 4-A of the Imports and Exports Control Act, 1947 and deemed to have been issued under Sec. 19 of the Sea Customs Act, 1878.

1	2	3	4	5	6
		(17) New Jaswanti plastic venya		3 Dozs.	
		(18) Imitation pearl ear rings pkts. of 6 pairs each		3	
		(19) Plastic bangles bundles of 24 bangles each		50 bdl.	
		(20) Plastic bangles bigger size each bundle of 24 bangles		16 bdl.	
		(21) Good luck plastic bangles bundles each of 8 bangles		34 bdl.	
		(22) Plastic bangles bigger size		10	
		(23) Plastic bangles smaller size		68	
		(24) Photos of large size		8	
		(25) Photos of bigger and small size		46	
		(26) Ganesh Darbar Agarbatti pkts.		6 pkts.	
		(27) Snuff tins containing approx. 10 lbs. each		2 tins	
		(28) Old gunny bag		1	
		(29) Pan Masala Star Co. boxes of bigger size		8½ Dozs.	

Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise, Land Customs, Goa Frontier Division, Belgaum why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Sections 167(8) and 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-34/60.]

E. R. SRIKANTIA, Asstt. Collector.

THE MADRAS CENTRAL EXCISE COLLECTORATE

CENTRAL EXCISE

Madras, the 1st March 1960

S.O. 601.—In pursuance of Rule 5 of the Central Excise Rules 1944 and in supersession of this Collectorate notification of even number dated 21st April 1959, I empower the Central Excise Officers specified in Column 1 of the sub joined table to exercise within their respective jurisdictions the powers of a 'Collector'

conferred by the provisions of the Rules enumerated in Column 2 of the table, subject to the limitations set out in column 3 thereof.

TABLE

Rank of officers	Central Ex- cise rules	Limitations
1. Superintendent of Central Excise	96 0	Under sub-Rule (4) of Rule 96-0, the Superintendent shall exercise the powers only in respect of cases where the delay in presenting the A.S.P. is not more than 15 days over the statutory period.
2. Superintendent of Central Excise	96 Q(2)	The Superintendent shall exercise the powers of Collector under Rule 96 Q(2) provided the delay in filing A.R. 7 and/or making weekly deposits is not more than 5 days.

[C. No. IV/16/207/58-60 CE.(POL.)]

S.O. 602.—In pursuance of Rule 5 of the Central Excise Rules, 1944, I empower all Superintendents of Central Excise to exercise within their respective jurisdiction the powers of a 'Collector' conferred by rule 92.A of the Central Excise Rules 1944.

[C. No. IV/16/207/58-60 CE.(POL.)]

D. R. KOHLI, Collector.

MINISTRY OF COMMERCE & INDUSTRY

(Office of the Jt. Chief Controller of Imp. & Exps., Bombay)

NOTICES

Bombay, the 8th January 1960

S.O. 603.—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce & Industry propose to cancel licence No. A-927559 dated 4th June 1959 valued at Rs. 787/- for the import of C. N. Sheets from the S.C.A.: except union of S. & S. W. Africa, granted by the Joint Chief Controller of Imports & Exports Bombay to M/s Patel Bangle Works, Vayudev Gali, Mandpeshwar Road, Borivli, Bombay, unless sufficient cause against this is furnished to the Joint Chief Controller of Imports & Exports Gulam Mahomed Bldg., Nicol Road, Ballard Estate, Bombay 1, within 10 days of the date of issue of this notice by the said M/s Patel Bangle Works, Bombay, or any Bank, or any other party who may be interested in it.

In view of what is stated above, M/s Patel Bangle Works, Bombay or any Bank or any other party, who may be interested in the said licence No. A-927559 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports & Exports, Gulam Mahomed Bldg., Nicol Road, Ballard Estate, Bombay-1.

M/s Patel Bangle Works,
Vayudev Gali, Mandpeshwar Road,
Borivli, Bombay.

[No. P-217/1-59/AU.7.]

S.O. 604.—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce & Industry propose to cancel licence No. A-927558 dated

4th June 1959 valued at Rs. 1088/- for the import of A. C. Base Film Scrap from the S.C.A. except union of S. & S.W. Africa granted by the Joint Chief Controller of Imports & Exports, Bombay to M/s Patel Bangle Works, Vayudev Gali, Mandpeshwar Road, Borivli, Bombay unless sufficient cause against this is furnished to the Joint Chief Controller of Imports & Exports, Gulam Mahomed Bldg., Nicol Road, Ballard Estate, Bombay, within 10 days of the date of issue of this notice by the said M/s Patel Bangle Works, Bombay or any Bank, or any other party, who may be interested in it.

In view of what is stated above M/s Patel Bangle Works, Bombay, or any Bank, or any other party, who may be interested in the said licence No. A-927558 dated 4th June 59, are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports & Exports, Gulam Mahomed Bldg., Nicol Road, Ballard Estate, Bombay-1.

M/s Patel Bangle Works,
Vayudev Gali, Mandpeshwar Road,
Borivli, Bombay.

[No. P-218/1-59/AU.7.]

S.O. 605.—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce & Industry propose to cancel licence No. A-927688 dated 19th June 1959 valued at Rs. 619/- for the import of Tetrachlorothene from the S.C. Area except union of S. & S.W. Africa granted by the Joint Chief Controller of Imports & Exports, Bombay to M/s Patel Bangle Works, Vayudev Gali, Mandpeshwar Road, Borivli, Bombay unless sufficient cause against this is furnished to the Joint Chief Controller of Imports & Exports, Gulam Mahomed Bldg., Nicol Road, Ballard Estate, Bombay-1, within 10 days of the date of issue of this notice by the said M/s Patel Bangle Works, Bombay or any Bank, or any other party, who may be interested in it.

In view of what is stated above M/s Patel Bangle Works, Bombay, or any Bank, or any other party, who may be interested in the licence No. A-927688 dated 19th June 1959, are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports & Exports, Gulam Mahomed Bldg., Nicol Road, Ballard Estate, Bombay-1.

M/s Patel Bangle Works,
Vayudev Gali, Mandpeshwar Road,
Borivli, Bombay.

[No. P-219/1-59/AU.7.]

D. CHATTERJEE Dy. Chief Controller.

Bombay, the 25th February 1960

S.O. 606.—In exercise of the powers conferred on me by Clause 5(1) of the Cotton Control Order, 1955, I hereby specify that the maximum aggregate quantity of Kalyan, Wagad and Kalagin cottons which a manufacturer may buy during the current cotton season commencing from 1st September 1959 shall be 55 per cent of his aggregate consumption of these cottons during the cotton season 1958-59. Such aggregate purchases shall be within the maximum quantity of Indian cotton specified for purchase of each manufacturer under this clause.

(Sd.) D. S. JOSHI,
Textile Commissioner.

[No. 24(14)-TEX(A)/59.]

New Delhi, the 1st March, 1960.

HARGUNDAS. Under Secy.

New Delhi, the 5th March 1960

S.O. 607.—In exercise of the powers conferred by sub-section (1) of section 10 of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), and Rule 13 of the Indian Standards Institution (Certification Marks)

Rules, 1955, the Central Government, in consultation with the Indian Standards Institution, hereby directs that any power exercisable by the said Institution under clause (e) of section 3 of the said Act, shall be exercisable also by the Director of Industries and Commerce, Government of Kerala, in relation to the following articles/or class of articles manufactured within the State of Kerala, namely:—

- (i) Soaps,
- (ii) Paints and Varnishes,
- (iii) Tapioca Starch,
- (iv) Inks,
- (v) Leather Goods including footwear,
- (vi) Locks,
- (vii) Scissors, Razors and Cutlery,
- (viii) Agricultural Implements,
- (ix) Machine Tools and Light Engineering Goods, and
- (x) Electric Motors and Fans.

[No. F. 23(59)-TMP/59.]

K. RAJARAMAN, Under Secy.

TEA CONTROL

New Delhi, the 7th March 1960

S.O. 608.—In pursuance of section 19 of the Tea Act, 1953 (29 of 1953), the Central Government hereby declares that the export allotment of tea for the financial year 1959-60 shall be 521.5 million pounds avoirdupois.

[No. 12(1)Plant(A)/59.]

P. V. RAMASWAMY, Under Secy.

New Delhi, the 8th March 1960

S.O. 609/DCPR.—In pursuance of clause (c) of rule 2 of the Development Council (Procedural) Rules, 1952 and in supersession of the Order of the Government of India in the Ministry of Commerce and Industry S.O. 714, dated the 28th March, 1959, the Central Government hereby appoints Shri D. N. Dikshit, Assistant Director, Office of the Textile Commissioner, Bombay, as Secretary to the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry S.O. 482/IDRA/6/12, dated the 18th February, 1960, for the scheduled industries engaged in the manufacture and production of textiles made of wool, including woollen yarn, hosiery, carpets and druggets, *vice* Shri M. C. Agarwal.

[No. 4(11)IA(II)(G)/59.]

N. N. SINGH, Under Secy.

ORDER

New Delhi, the 5th March 1960

S.O. 610/IDRA/6/7.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Dr. R. J. Rathi and Shri V. K. Dikshit to be members of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry Order No. 1007, dated the 7th July, 1959, for the scheduled industries engaged in the manufacture and production of Drugs, Dyes and Intermediates, and directs that the following amendments shall be made in the said Order, namely:—

- (a) In paragraph 1 of the said Order, after entry No. 7C relating to Shri Santokh Singh, the following entries shall be inserted:—

<p>“7D. Dr. R. J. Rathi, C/O Sudarshan Chemical Industries Ltd., 27, Shankarshet Road, Poona-2.”</p>	<p>“owners”</p>	<p>“Member”</p>
--	-----------------	-----------------

- (b) In paragraph 1 of the said Order after entry No. 10C relating to Shri Siddharth Kasturbhai, the following entries shall be inserted:—

“10D. Shri V. K. Dikshit, M/s. Indian Dyestuff Industries Ltd. Bombay”.	“technical knowledge” “Member”
---	-------------------------------------

[No. 4(2)IA(II)(G)/59.]

K. C. MADAPPA, Dy. Secy.

(Indian Standards Institution)

New Delhi, the 23rd February 1960

S O. 611.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that three licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
		From	To			
1	CM/L—167 22-2-1960	1-3-1960	28-2-1961	M. s. Shalimar Biscuits Private Ltd., Sun Mill Estate, Sun Mill Road, Lower Parel, Bombay—13.	Biscuits (excluding Wafer Biscuits).	IS: 1011—1957 Specification for Biscuits (Excluding Wafer Biscuits).
2	CM/L—168 22-2-1960	1-3-1960	28-2-1961	M's. Tata Fison Private Ltd., 20, Howrah Road, Salkia, Calcutta.	BHC Water Dispersible Powder Concentrates.	IS: 562—1958 Specification for BHC Water Dispersible Powder Concentrates (Revised).
3	CM/L—169 22-2-1960	1-3-1960	28-2-1961	The Mysore Insecticides Company, 31—A, North Beach Road, Madras.	BHC Dusting Powders.	IS: 561—1958 Specification for BHC Dusting Powders (Revised).

[No. MD/12:375.]

S.O. 612. —In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that seven licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Sl. No.	Licence No. and date	Period of Validity		Name and Address of the Licensee	Article covered by the licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-64 7-2-1958 .	1-3-1960	28-2-1961	Sarvashri Assam Forest Products Private Ltd. Dibrugarh, District Lakhimpur (Upper Assam).	Tea-Chest Plywood Panels.	IS: 10-1953 Specification for Plywood Tea-Chests (Revised).
2	CM/L-66 7-2-1958 .	1-3-1960	28-2-1961	Sarvashri Woodcrafts (Assam), Proprietors Jayshree Tea Garden Ltd., P.O. Mariani, District Sibsagar.	Do.	Do.
3	CM/L-67 7-2-1958 .	1-3-1960	28-2-1961	Sarvashri Wood Craft Products Ltd., 8, India Exchange Place, Calcutta.	Do.	Do.
4	CM/L-68 7-2-1958 .	1-3-1960	28-2-1961	Sarvashri Varat Plywood, 67B, Netaji Subhas Road, Calcutta—1.	Do.	Do.
5	CM/L-69 7-2-1958 .	1-3-1960	28-2-1961	M/s. Jayshree Plywood, 20, Canal East Road, Calcutta.	Do.	Do.

6	CM/L-70	7-2-1958 .	1-3-1960	28-2-1961	The Standard Furniture Co. Ltd., Chalakudi (Kerala State).	Tea-Chest Plywood Panels.	IS: 10-1953 for Plywood (Revised).	Specification Tea-Chests
7	C/ML-118	19-2-1959	2-3-1960	1-3-1961	Messrs. Bengal Plywood Manufacturing Company, 23/24, Radha Bazar Street, Calcutta.	Do.		Do.

[No. MD/12:161.]

New Delhi, the 2nd March 1960

S.O. 613.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 16th to 29th February 1960.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS: 531-1959 Specification for Leaded Brass Strip for Use in the Manufacture of Parts for Instruments.	..	This standard covers the requirements for leaded brass strip over 0.15 mm (for 0.006 in.) and up to and including 6.50 mm (or 0.252 in.) thick and up to and including 300 mm (or 12 in.) wide made from the following three alloys for use in the manufacture of parts for instruments: Alloy Bs 59 Pb2 Alloy Bs 62 Pb2 Alloy Bs 64 Pb1 (Price Rs. 3.00).
2	IS: 783-1959 Code of Practice for Laying of Concrete Pipes.	..	This standard covers the methods of finding the loads on and supporting strengths of rigid pipes, such as reinforced, unreinforced or prestressed concrete pipes, pressure and non-pressure types used for water supply, sewerage, culverts and irrigation purposes, and also covers handling, laying, bedding and jointing of such pipes. (Price Rs. 6.50).
3	IS: 931-1959 Specification for Wheeled Fire Escape.	..	This standard lays down the requirements regarding material, design, construction, workmanship and finish, and acceptance tests of wheeled fire escape. (Price Rs. 2.00).
4	IS: 945-1959 Specification for 1 800-1/min (or 400-gal/min) Motor Fire Engine.	..	This standard lays down requirements regarding material, design and construction, workmanship and finish, accessories and equipment and acceptance tests of 1 800-1/min (or 400-gal/min) motor fire engine. (Price Rs. 3.50).
5	IS: 999-1959 Methods of Chemical Analysis of Brazing Solder.	..	This standard covers the test procedure for the chemical analysis of various grades of brazing solder. (Price Rs. 3.00).

(1)	(2)	(3)	(4)
6	IS: 1323—1959 Code of Practice for Oxy-Acetylene Welding for Structural Work in Mild Steel.	..	This code covers the use of oxy-acetylene welding for structural work in mild steel.
			This code does not apply to structures comprising tubular members. (Price Rs. 3.00).
7	IS: 1346—1959 Code of Practice for Waterproofing of Roofs with Bitumen Felts.	..	This code of practice deals with materials and methods of their application to roofs of buildings designed to render them waterproof. It also deals with the preparation of roofs necessary to ensure the satisfactory and serviceable application of such waterproofing materials. (Price Rs. 3.00).
8	IS: 1349—1959 Method for Determination of Clean Wool Yield of Raw Wool.	..	This standard prescribes a method for determining clean wool yield of raw wool. (Price Rs. 2.00)
9	IS: 1361—1959 Specification for Steel Windows for Industrial Buildings.	..	This standard deals with steel windows suitable for use in industrial buildings and designed to suit openings based on a module of 10 cm. (Price Rs. 3.50).
10	IS: 1370—1959 Specification for Friction Surface Rubber Transmission Belting.	..	This standard covers the requirements for friction surface rubber transmission belting; that is, fabric belting possessing no distinct rubber cover other than that imparted to the fabric by impregnation with rubber. (Price Rs. 3.00).
11	IS: 1375—1959 Specification for Black Lead Pencils.	..	This standard covers the requirements for the following four types of pencils : (a) Drawing pencils, (b) Carpenter's pencils, (c) Stenographer's pencils, and (d) Pencils for general writing. (Price Rs. 3.00).
12	IS: 1377—1959 Method for Determination of Mean Fibre Length of Wool.	..	This standard prescribes a method for determining the mean fibre length of wool. (Price Rs. 2.00).
13	IS: 1389—1959 Methods for Testing Cotton Fabrics for Resistance to Attack by Micro-Organisms.	..	This standard prescribes methods for evaluating cotton fabrics for resistance to attack by micro-organisms. (Price Rs. 3.00).

(1)	(2)	(3)	(4)
14	IS: 1395—1959 Specification for 1/2—Percent Molybdenum Steel Covered Electrodes for Metal Arc Welding.		This standard lays down requirements for 1/2—per cent molybdenum steel covered electrodes of 2 mm (or 14 SWG) and thicker sizes for metal arc welding (by hand operation) of mild steel of welding quality (conforming to IS : 226—1958) and of chromium-molybdenum and molybdenum creep-resisting steels of welding quality (Price Rs. 3.00).
15	IS: 1406—1959 Specification for Rectangular Tins.	..	This standard covers the requirements of 5-litre, 1-litre, 500-millilitre and 250-millilitre rectangular tins manufactured from tinplate, normally used for packing liquids. (Price Rs. 2.00).
16	IS: 1407—1959 Specification for Round Paint Tins.	..	This standard lays down the capacities and types of round tins used primarily for packing paints. (Price Rs. 2.00).
17	IS: 1411—1959 Specification for Shroud-Laid Coir Rope.	..	This standard prescribes requirements for dry and oiled hroud-laid coir ropes of two grades, Grade 1 and Grade 2 of 76 to 559 mm (or 3 to 22 i n.) size. (Price Rs. 2.50).
18	IS: 1451—1959 Specification for Handloom Cotton Drills, Bleached or Dyed.	..	This standard prescribes constructional details and other particulars of four varieties of handloom cotton drills, bleached or dyed. (Price Rs. 1.50).
19	IS: 1459—1959 Specification for Kerosines.	..	This standard prescribes the requirements and the methods of test for kerosines for use as an illuminant and as a fuel. (Price Re. 1.00).
20	IS: 1460—1959 Specification for Diesel Fuels.	..	This standard prescribes the requirements and the methods of test for diesel fuels suitable for various types of diesel engines. (Price Re. 1.00).
21	IS: 21—1959 Specification for Wrought Aluminium and Aluminium Alloy for Utensils (Second Revision).	IS: 21—1953 Specification for Wrought Aluminium or Utensils (Revised).	This standard covers the requirements for aluminium and aluminium alloy meant for the manufacture of wrought utensils. (Price Rs. 1.50).

Copies of these Indian Standards are available for sale with the Indian Standards Institution, "Manak Bhavan", 9, Mathura Road, New Delhi-1 and also at its Branch Office, at (i) 232 Dr. Dadabhoi Naoroji Road, Bombay-1, (ii) P-11 Mission Row Extension Calcutta-1, and (iii) 2/21 First Line Beach, Madras-1.

New Delhi, the 3rd March 1960 13th Phalguna 1881 (Saka)

S. O. 641.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that amendment to the Indian Standard given in the Schedule hereto annexed has been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
1	2	3	4	5	6
1	IS : 1256-1958 Code of Building Bylaws	S.O. 620 dated 21st March 1959	Amendment No. 1 dated January 1960	A new Clause 7.5 'Regulation for Central Areas of Cities and Towns' has been added after 7.4.	15th March, 1960

Copies of this amendment slip are available, free of cost, with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1, and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13:5]
C. N. MODAWAL,
Deputy Director (Marks).

(Indian Standards Institution)

ERRATA

In the Ministry of Commerce and Industry (Indian Standards Institution) Notifications detailed below, published in the Gazette of India, Part II, Section 3—Sub-section (ii) please make the following alterations :

Notification No. & Date	S. O. No. & Date of the Gazette	Sl. No. in the Schedule	Column No. in the Schedule	For	Read
MD/18:2 dt. 13-1-60 Do.	S. O. 189 dt. 23-1-60 Do.		First Line	regulation 67	regulation 7
			last line (i.e. number of Notification)	No. MD/11-2	No. MD/18:2
MD/18:2(1) dt. 14-1-60 Do.	S. O. 199 dt. 23-1-60 Do.		Fourth line	has been determined	has been determined
MD/18:2(3)	S. O. 201 dt. 23-1-60	I	3 (2nd line) Fifth line	for Biscuits) Excluding..... sulphate photographic	for Biscuits (Excluding..... sulphate, photographic.....
MD/13:6 dt. 1-2-60	S. O. 359 dt. 13-2-60	I	2	IS : 449-1958.....	IS : 499-1958.....
MD/17:2 dt. 4-2-60	S. O. 360 dt. 13-2-60	4	4 (last 4 lines)	in the bottom side of the monogram as indicated in the design for 'A' in column (2)	in the bottom side of the monogram as indicated in the design for 'A' in column (2).
Do.	Do.	7	3	IS : 613-614	IS : 613-1954

MINISTRY OF STEEL, MINES & FUEL

(Department of Iron & Steel)

New Delhi, the 3rd March 1960

S.O. 615/ESS. COMM./IRON & STEEL-15(1)/AM(6).—The following Notification issued by Iron and Steel Controller under Sub-Clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956 is hereby published for general information.

"NOTIFICATION

In exercise of the powers conferred by sub-clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956 and with the approval of the Central Government, Iron and Steel Controller is pleased to notify the following further amendment to the concessional base prices for Wire and Wire Products for Export purpose under Schedule of Notification No. 623/ESS. COMM./Iron and Steel-15(1)/AM(2) published in Part II, Section 3(ii) of the Gazette of India dated 21st March, 1959 as amended by Notification No. 2233-ESS. COMM./Iron & Steel-15(1)/AM(3) published in Part II—Section 3(ii) of the Gazette of India Extraordinary dated the 12th October, 1959.

Amendment

The base prices of all categories of Wire and Wire Products under all columns have been further uniformly increased by Rs. 2.50 per long ton and Rs. 2.46 per Metric ton.

Other terms and conditions of sale remain the same.

S. C. MUKHERJEE,
Deputy Iron and Steel Controller
For Iron and Steel Controller."

S.O. 616/ESS. COMM./IRON & STEEL-15(1) AM(13).—The following Notification issued by Iron and Steel Controller under Sub-clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956 is hereby published for general information.

"NOTIFICATION

In exercise of the powers conferred by Sub-clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956, and with the approval of the Central Government, Iron and Steel Controller is pleased to notify the following further amendment to the base prices for Wire and Wire Products under Schedule II of Notification No. 2249-ESS. COMM/Iron and Steel 15(1) and 27 (1) published in Part II, Section 3(ii) of the Gazette of India dated 1st November, 1958 as amended by Notification No. 2232-ESS. COMM/Iron & Steel-15(1)AM(6) published in Part II—Section 3(ii) of the Gazette of India Extraordinary dated the 12th October, 1959.

Amendment

The base prices of all categories of Wire and Wire Products under all Columns have been further uniformly increased by Rs. 2.50 per long ton and Rs. 2.46 per Metric ton.

Other terms and conditions of sale remain the same.

S. C. MUKHERJEE,
Dy. Iron and Steel Controller,
For Iron and Steel Controller."

[No. SC(A)-2(18)/59/C.]

G. RAMANATHAN, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 28th February 1960

S.O. 617.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the Schedule to the notification of the Government of India in the late Ministry of Agriculture No. S.R.O. 634-A, dated the 28th February, 1957, namely:

In Part I of the Schedule, under the heading "Delhi Zoological Park", for the existing entries in columns 1 to 5, the following entries shall respectively be substituted, namely:—

1	2	3	4	5
Posts the maximum pay of which does not exceed Rs. 250/- p.m.	Superintendent, Delhi Zoological Park.	Superintendent, Delhi Zoological Park.	All	Deputy Secretary, Ministry of Food and Agriculture. (Department of Agriculture)
All other posts	Deputy Secretary, Ministry of Food and Agriculture (Department of Agriculture)	Deputy Secretary, Ministry of Food and Agriculture (Department of Agriculture)	All	Joint Secretary, Ministry of Food and Agriculture (Department of Agriculture)

[No. 5-13/59-FII.]

N. RANGANATHAN, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi-1, the 25th February 1960

S.O. 618.—Under Section 4(iv) of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to appoint Shri E. Kuebler to be a member of the Indian Central Cotton Committee, Bombay, to represent the Tuticorin Chamber of Commerce, Tuticorin, for a period of three years with effect from 1st April, 1960.

[No. 1-18/59-Com.IV.]

New Delhi, the 3rd March 1960

S.O. 619.—In exercise of the powers conferred by Section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby make the following amendments in the Indian Oilseeds Committee Rules, 1947, the same having been previously published as required by sub-section (1) of the said section:—

In the said rules:—

(1) rule 4 shall be re-numbered as sub-rule (1) thereof;

(2) in sub-rule (1) as so re-numbered,

(i) after the words "other than", the words "a member elected under clause (s) of section 4 of the Act, and" shall be inserted;

(ii) the brackets and letter "(a)" after the words "Provided that" and proviso (b) shall be omitted;

(3) after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

"(2) Save as otherwise provided in these rules, a member of the Committee elected under clause(s) of Section 4 of the Act shall hold office for so long as he continues to be a member of the House from which he was elected."

[No. 8-87/59-Com.II/ICOCR/Am(1)/60.]

N. L. GUPTA, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 25th February 1960

S.O. 620.—The Medical Council of India having elected, in pursuance of clause (c) of section 3 of the Pharmacy Act, 1948 (8 of 1948), Dr. Y. B. Mangrulkar, M.B.B.S., D.P.H., D.T.M., Member, Faculty of Medicine, Nagpur University, Nagpur, as a member representing it in the Pharmacy Council of India, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health No. F. 7-23/59-D, dated the 21st December, 1959, namely:—

In the said notification; under the heading "III. Elected by the Medical Council of India under clause (c)", for the existing entry the following entry shall be substituted namely:—"1. Dr. Y. B. Mangrulkar, M.B.B.S., D.P.H., D.T.M., Member, Faculty of Medicine, Nagpur University, Nagpur."

[No. F. 7-23/59-D.]

M. K. KUTTY, Dy. Secy.

New Delhi-2, the 26th February 1960

S.O. 621.—In pursuance of item (30) of Part II of the Schedule to the Dentists Act, 1948 (16 of 1948), the Dental Council of India hereby approves the following foreign qualification namely:—

"B.D.S. degree of the University of Edinburgh, Edinburgh, U.K."

S. BRATT, LDSc., FICD, Secy.
Dental Council of India.

[No. F. 3-5/60-MIL.]

R. MURTHI, Under Secy.

CORRIGENDUM*New Delhi, the 19th February 1960*

S.O 622—In the Ministry of Health Notification No 513/59 M 1, dated the 9th January, 1960, published with S O No 138 dated the 9th January, 1960, in sub-section (ii), Part II, Section 3 of the Gazette of India, dated the 16th January, 1960, against serial No 1 under the heading 'Nominated under clause (a) of sub-section (1) of section 3', for the existing entry

Read "Dr D R N Sahu, MBBS, Joint Director of Health Services, Orissa"

[No F 5-13/59 M 1]

A K DAR, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS**(Transport Wing)****(Department of Transport)****PORT ESTABLISHMENT***New Delhi the 7th March 1960*

S.O. 623.—In pursuance of clause (b) of sub-rule (2) of rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1957 the President hereby makes the following amendment in the Schedule to the Notification of the Government of India in the late Ministry of Transport No 610, dated the 28th February 1957, namely —

In Part II of the said Schedule, under the heading "Vizagapatam Port", in the entries in column 4 relating to "All posts" in column 1 for the brackets and figure '(i)', the brackets, word and figures "(i) to (iii)" shall be substituted

[F No 17-PLA(58)/57]

D A R WARRIAR, Under Secy

Department of Communications**(P. & T. Board)***New Delhi, the 29th February 1960*

S.O 624.—In exercise of the powers conferred by sections 35 and 36 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following further amendments in the Indian Post Office Rules, 1933, namely —

Amendments

In the said rules, for rules 103 to 109 the following rules shall be substituted, namely —

"103 Value-payable postal articles may be exchanged with the countries mentioned in sub-rule (i) of rule 109 under the system known as "VP" and with those mentioned in sub rule (i) of rule 109-A under the system known as "(COD)" The general features of the two systems shall be as indicated in rules 104 to 108 and the individual features of the VP and COD systems shall be as in rule 109 and in rule 109-A respectively

A GENERAL FEATURES OF VP AND COD SYSTEMS

104 Value-payable or Cash-on-delivery postal articles may be transmitted abroad, provided that the amount specified for remittance to the sender in respect of any such postal article shall not exceed Rs 600 or such smaller amounts as may, in the case of Value-payable or Cash-on-delivery articles to any particular country or countries, be specifically notified by the Director General from time to time, and shall not contain a fraction of a naya Paisa and provided that such articles do not contain coupons, tickets, certificates or introductions designed for the sale of goods on what is known as "Snowball system"

105. No postal article shall be accepted at any post office for transmission by post as Value-payable postal article unless the sender declares that it is sent in execution of a *bona fide* order received by him. At any post office notified from time to time in this behalf by the Director-General, the sender shall, in addition, be required to declare that the article is one the transmission of which by post as a Value-payable postal article is permitted. No Value-payable article shall be accepted at these offices without such further declaration.

Explanation.—An article may be sent by the value-payable post even though it possesses no intrinsic value. Thus, legal documents, bonds, policies of insurance, promissory notes, railway goods and parcel receipts, bills of lading or ordinary bills for collection may be sent as value-payable postal articles. In the case of railway receipt or bill of lading sent as value-payable postal articles, it will be sufficient for the purposes of this rule, if the article to which the railway receipt or bill of lading relates has been sent in execution of a *bona fide* order. In the case of the other documents specified, the document must be sent in execution of a *bona fide* order to send the document itself.

106. Every postal article intended to be transmitted by post as value-payable postal article shall be presented at the post office with a printed form, prescribed by the Director General and obtainable at the post office, in which the sender shall specify the sum to be remitted to himself, fill in the required entries in ink and sign the declaration required by rule 105.

107. (1). If the addressee of a foreign value-payable parcel fails to take delivery of it within ten days following the date of its first presentation or the date of delivery to him or to his accredited agent of an intimation of its arrival, a warehousing charge at the rate of 35 naye Paise per day commencing from the eleventh day shall be collected from the addressee at the time of delivery:

Provided that in the case of such a parcel bearing an alternative address, if the parcel cannot be delivered at the original address, the warehousing charge due from the first addressee shall be collected from the second addressee at the time of delivery.

(2) If the addressee of a foreign value-payable parcel addressed "*Poste Restante*" fails to take delivery of it within ten days following the date of its arrival in the office of delivery, a warehousing charge at the rate specified in sub-rule (1) shall be collected from the addressee at the time of delivery:

Provided that the charge shall in no case exceed rupees seven and seventy naye Paise.

107-A. (1) If the addressee of (a) an inward foreign value-payable packet (or bag) of printed papers or business papers, or (b) an inward foreign value-payable insured letter, fails to take delivery of it within seven days following the date of its first presentation or the date of delivery to him or to his accredited agent of an intimation of its arrival, and if it weighs more than 20 ounces, a warehousing charge at the rate of 35 naye Paise per day, commencing from the eighth day, shall be collected from the addressee at the time of delivery.

(2) If the addressee of (a) an inward foreign value-payable packet (or bag) of printed papers or business papers, or (b) an inward foreign value-payable insured letter, addressed "*Poste Restante*" fails to take delivery of it within seven days following the date of its arrival in the office of delivery, and if it weighs more than 20 ounces, a warehousing charge at the rate of 35 naye Paise per day commencing from the eighth day, shall be collected from the addressee at the time of delivery.

108. Rules 97, 101, and 102 relating to inland value-payable articles, shall be equally applicable to foreign value-payable articles.

B. INDIVIDUAL FEATURES OF V.P. SYSTEM

109. (1) Value-payable postal articles as enumerated below may be transmitted under the V.P. system to the undermentioned countries:—

- | | |
|--|--|
| 1. Aden, Makalla (Gulf of Aden), Ceylon and Pakistan. | Parcels, registered letters, registered book packets and newspapers prepaid with postage at newspaper rates of postage and registration fee. |
| 2. Portuguese India | Parcels, registered letters and registered book packets. |
| 3. Burma, Iran (Iranian Post Offices in Southern Iran and Iranian Aristan), the Seychelles and British Somaliland. | Parcels, registered letters and registered packets of printed papers and business papers. |
| 4. Iraq | Parcels. |

(2) The sender of a postal article intended to be transmitted by post as value-payable article, shall write clearly on the face of the article itself—

- (a) in the upper left-hand corner, the letters "V.P." followed by an entry, in figures and words, of the amount for remittance to himself, and
- (b) in the lower left-hand corner his own name and full address.

(3) In the case of an article intended for transmission to any country mentioned in sub-rule (1) above as value-payable, a posting fee of 15 naye Paise shall be prepaid by the sender:

Provided that in the case of value-payable letters and packets intended for transmission to Aden and Makalla (Gulf of Aden) the posting fee shall be payable at the rate applicable to inland value-payable articles.

(4) In the case of articles received under the V.P. system for delivery in India, the amount to be recovered from the addressee shall be sum specified by the sender for remittance to himself plus a fee calculated in the manner indicated below:—

- (a) in the case of articles received from Pakistan, Aden and Makalla (Gulf of Aden), a fee as in rule 98;
- (b) in the case of parcels received from Iraq, a fee as in Schedule II below; and
- (c) in the case of articles received from other countries, a fee as in Schedule I below.

A delivery fee of 25 naye Paise on every article transmitted from any country mentioned in sub-rule (1) except Pakistan, Aden and Makalla (Gulf of Aden) as value-payable shall also be recovered from the addressee. When the amount due is recovered from the addressee, the sum for payment to the sender shall be remitted to him by means of a money order. If the addressee of a value-payable article refuses or omits to take delivery of it, it shall be returned to the sender.

SCHEDULE OF FEES

SCHEDULE I

Amount specified for remittance to the sender.	Not exceeding Rs. 10	20 naye Paise.
	Exceeding Rs. 10 but not exceeding Rs. 25	40 naye Paise.
	Exceeding Rs. 25	40 naye Paise for each complete sum of Rs. 25 and 40 naye Paise for the remainder provided that the remainder does not exceed Rs. 10 the charge for it shall be only 20 naye Paise.

SCHEDULE II

On any sum not exceeding £1	25 naye Paise.
For every additional sum of £1 or fraction thereof	20 naye Paise.

NOTE.—The conversion into Indian currency of the amount specified for remittance to the sender of a value-payable parcel posted in Iraq shall be effected at the rate of exchange for the issue of foreign sterling money orders in force on the date of receipt of the parcel in India.

(5) If a complaint is made by the addressee immediately after the receipt of the value-payable postal article that it was sent dishonestly or fraudulently, the Postmaster-General may, if satisfied, that there are *prima facie* grounds for believing that the value-payable article was sent dishonestly or with the intention of defrauding the addressee, withhold the payment of the sender of the money recovered from the addressee. If after making such enquiries, as

may be necessary, he is fully satisfied that the value-payable postal article was sent dishonestly or with fraudulent intention, he may order the return of the article to the sender and refund to the addressee the sum of money recovered from him on delivery of the value-payable postal article.

C. INDIVIDUAL FEATURES OF THE C.O.D. SYSTEM

109-A. (1) Value-payable parcels under the C.O.D. system, which is restricted to parcels, may be transmitted to the undermentioned countries:—

Great Britain and Northern Ireland, Eire (Ireland), Kenya, Uganda, Tanganyika Territory, Zanzibar, the Straits Settlements, the Federated Malaya States, Johore, Kelantan, Trengganu, Brunei and Kedah.

(2) Sub-rule (2) of rule 109 shall apply to value-payable parcels sent under the C.O.D. system with the exception that the sender shall write on the upper left-hand corner of the parcel the word "Reimbursement" instead of the letters "V.P."

(3) In the case of a value-payable postal parcel posted in India under the C.O.D. system, a posting fee of 15 naye Paise and a fee on the amount specified for remittance to the sender calculated according to Schedule I below rule 109(4) shall be prepaid by the sender.

(4) The amount to be recovered from the addressee of a foreign value-payable parcel received under the C.O.D. system in India for delivery shall be the sum specified by the sender for remittance to himself plus a delivery fee of 25 naye Paise. When the amount due is recovered from the addressee, the sum for payment to the sender shall be remitted to him by means of a money order.

(5) In the event of non-delivery of a parcel originating in India for delivery in a foreign country, the fee prepaid by the sender on the amount specified for remittance to himself under sub-rule (3) shall, on application, be repaid to him subject to the following deductions:—

- (a) 10 per cent of the fee paid with a minimum of 25 naye Paise; and
- (b) a fixed charge of 12 naye Paise.

NOTE.—Note below rule 109(4) shall apply to the conversion into Indian currency of the Sterling amount in respect of value-payable parcels posted in Great Britain and Northern Ireland, Ireland, Kenya, Uganda, Tanganyika Territory and Zanzibar."

[No. 43/1/58-CF.]

S. M. GHOSH,
Director of R.M.S.

(Department of Communications & Civil Aviation—P. & T. Board)

New Delhi, the 5th March 1960

S.O. 625.—In pursuance of sub-rule (5) of rule 430 of the Indian Telegraphs Rules, 1951, the Central Government hereby specifies that the Message Rate System will be effective at Jor Bagh Telephone Exchange from 11th March, 1960 on which date the Exchange will be brought into service.

[No. 11-3/60-PHC.]

S.O. 626.—In exercise of the powers conferred by sections 21 and 74 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following further amendment in the Indian Post Office Rules, 1933, namely:—

In clause (a) of sub rule (1) of rule 14-A of the said Rules, the following words shall be omitted, namely:—

"or which is served exclusively by any sorting office or offices situated within the limits of the local authority".

[No. 19/17/59-D.]

New Delhi, the 8th March, 1960

S.O. 627.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes with effect from the 1st April, 1960 the following amendments to the Indian Telegraph Rules, 1951, namely:—

1. In Part I of the said rules, for rule 2, the following rule shall be substituted, namely:—

“2. **Definitions.**—In these rules, unless the context otherwise requires,

- (a) *call* means a conversation between two or more subscribers connected to the same exchange and includes a conversation with such other service connected with the telephone system as may be specified by the Telegraph Authority;
- (b) *called person* means a subscriber with whom a caller wishes to speak;
- (c) *caller* means a subscriber who registers his demand for a trunk call;
- (d) *combined office* means a post office which is in telegraphic communication with a Government telegraph office, or at which telegrams may be handed in for despatch by messenger to the nearest telegraph office for onward transmission;
- (e) *departmental exchange* means a telephone exchange which is installed, maintained and controlled by the Telegraph Authority;
- (f) *departmental telegraph office* means a telegraph office dealing only with telegrams and maintained and worked under the direction and control of the Director General;
- (g) *direct exchange line* is a telephone connection directly working on a departmental exchange;
- (h) *Director-General* means the Director-General of Posts and Telegraphs;
- (i) *divisional engineer* means a Divisional Engineer, Telegraph or Telephones and includes all Heads of Telephone Districts and any other officer who may be empowered to discharge the functions of the Divisional Engineer under these rules;
- (j) *double period or unit* means a period in excess of three minutes but not in excess of six minutes;
- (k) *exchange system* means any Departmental Telephone Exchange or exchanges and any lines connected therewith declared by the Telegraph Authority to be an exchange system;
- (l) *extension* means a subsidiary telephone connection having access to the exchange line with or without the intervention of the main station;
- (m) *external extension* means an extension other than an internal extension;
- (n) *fixed time call* means a trunk call between two numbers which is to be put through at or about a specified time;
- (o) *Flat rate system* means a system of charging on telephones under which a subscriber is required to pay a fixed annual rental for the line connecting his telephone to any exchange within the exchange system, but not any call fees for local calls from his telephone;
- (p) *government telegraph office* includes departmental telegraph offices and combined offices;
- (q) *internal extension* means an extension located in the same building in which the main connection is working;
- (r) *international telephone service* means a trunk call service between India and any other country except Ceylon, Nepal and Pakistan;
- (s) *interpolated public call office* means a public call office which is opened on a trunk line between two exchanges;
- (t) *junction line* means a line connecting any two exchanges in an exchange system or connecting a departmental exchange with a private branch exchange or an exchange of a licensee or a privately owned exchange;
- (u) *late fee* means a fee payable, in addition to the prescribed call charges, for a local or trunk call, made from or to a Public Call Office outside its regular working hours;
- (v) *licensed telegraph office* means a telegraph office maintained and worked for the purpose of receiving and transmitting paid telegrams under a license granted under section 4 of the Indian Telegraph Act, 1885 (13 of 1885);

- (w) *local area* means the area within 5 kilo meters radial distance from a telephone exchange or where the Telegraph Authority has declared any area served by an exchange system to be a local area for the purpose of telephone connection, such area;
- (x) *local call* means a call from a subscriber's line to another line on any exchange within the same exchange system;
- (y) *local telegram* means a telegram intended for delivery in the local delivery area comprising:—
 - (i) in an urban area, the area included within the limits of a local authority and any area adjoining such limits, mails for which are delivered to a post office situated within the limits of the local authority or which is served exclusively by any sorting office or offices within the limits of the local authority, and, in a case where two or more local authorities are contiguous, the area included within the limits of any one of these local authorities specified in this behalf by the Director-General;
 - (ii) in a rural area, any area included in the delivery area of the same post office; and
 - (iii) any other area not included in sub clauses (i) and (ii) above, which the Central Government may from time to time specify.

Explanation

Local authority means a municipality, cantonment, town area or a notified area;

- (z) *measured rate system* means a system of charging on telephones under which a subscriber pays a fixed annual rental for the line connecting his telephone to any exchange within the exchange system which entitles him to make local calls free of charge upto a specified number during a fixed period, each local call in excess of that number being charged at rates prescribed for such calls;
- (aa) *message rate system* means a system of charging on telephones under which a subscriber, besides paying a fixed annual rental for the line connecting his telephone to any exchange within the exchange system, is also required to pay call fees for each local call from his telephone at rates prescribed for such calls;
- (bb) *messenger service* means a facility at Public Call Offices for a particular called person at a given address being sent for under such conditions and on payment of such charges as the Telegraph Authority may prescribe;
- (cc) *own your telephone scheme* means a scheme under which the subscriber makes an initial lump sum payment towards the rental for the line connecting his telephone to any exchange within the exchange system, and in consideration thereof is allowed a reduction in the annual rental payable by him for a specified period;
- (dd) *parent exchange* to a Public Call Office is the telephone exchange to which it is directly connected;
- (ee) *particular person call* means a trunk call where the caller wishes to speak to a specified person;
- (ff) *party line connection* is a telephone connection where 2 or more parties share in common a line to a departmental exchange;
- (gg) *phonogram* means a telegraphic message sent to or received from a telegraph office by a subscriber over the telephone;
- (hh) *postal receiving office* means a post office which is not in telegraphic communication with a Government telegraph office but at which inland telegrams may be handed in for despatch by post, without additional charge, to a telegraph office for onward transmission;
- (ii) *Postmaster-General* means a Postmaster-General as defined in section 2 of the Indian Post Office Act, 1898 (4 of 1898);
- (jj) *private branch exchange* means an exchange provided for any one party and connected to a departmental exchange;
- (kk) *private exchange* means a telephone exchange provided exclusively for the use of an organisation or an individual and not connected to the public network;

- (ll) *private wires* means telephone connections which are not connected to a departmental exchange system;
- (mm) *private wire junction* means a line connecting two private exchanges;
- (nn) *public call office* means a telephone office for the use of the general public during specified hours on payment of the prescribed fees;
- (oo) *single period or unit* means a period of three minutes or part thereof;
- (pp) *subscriber* means a person to whom a telephone service has been provided by means of an installation under these rules or under an agreement;
- (qq) *subscription fixed time call* means a fixed time call between two numbers for 5 or more consecutive days excluding Sundays and Telegraph holidays;
- (rr) *telecommunication* means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligences of any nature, by wire, radio, visual or other electro-magnetic system;
- (ss) *telegram* means written matter intended to be transmitted by telegraphy and includes a "radio-telegram";
- (tt) *telegraph office* includes a Government telegraph office and a licensed telegraph office, but does not include a military field telegraph office;
- (uu) *telegraphy* means a system of telecommunication for the transmission of written matter by the use of a signal code;
- (vv) *telephony* means a system of telecommunications set up for the transmission of speech or other sound;
- (ww) *trunk call* means a call on a trunk line;
- (xx) *trunk line* means a telephone line connecting an exchange system with another exchange system or a public call office on which a fee is levied for a conversation on the basis of the duration of the conversation."

II. In the said rules, for Part V, the following Part shall be substituted, namely:—

"PART V

RULES FOR TELEPHONES

GENERAL

411. **Types of installations.**—Telephone connections shall be classified under the following headings, namely:—

1. *Departmental exchange installations:—*

- (a) Direct exchange line connections,
- (b) Extensions,
- (c) Party line connections.

2. *Private exchange installations:—*

- (a) Direct line connections,
- (b) Extensions,
- (c) Party line connections.

3. *Private Branch Exchange:—*

- (a) Direct connections,
- (b) Extensions,
- (c) Party line connections.

4. *Junction lines and private wire junctions,*

5. *Private wire installations.*

6. *Trunk telephone lines.*

412. Supply and maintenance of equipment.—(1) The Divisional Engineer, Telegraphs, shall instal and, subject to the observance of these rules by the subscriber, maintain in good working order the equipment and apparatus provided by the Department and when necessary, substitute a different apparatus with all reasonable despatch.

(2) For the purpose of subrule (1), officials and workmen of the Indian Posts and Telegraphs Department shall be entitled after notice to the occupiers of the premises to enter the subscriber's premises at all reasonable times for the inspection of the installation and equipment.

TELEPHONE CONNECTIONS AND OTHER SERVICES

413. All services subject to rules.—All telephone connections and other similar services provided or authorised by the Department shall, unless governed by a separate contract, be subject to the conditions set forth in these rules.

414. Applications for connection.—Applications for the provision of telephone and other similar service or for alteration to any existing service shall be made in writing and in such form and manner as may from time to time be prescribed by the Telegraph Authority.

415. Withdrawal of application for new connection or shift.—Any person who has made an application under rule 414 may, at any time before the service is provided and on payment of the actual expenses incurred upto that date which shall be fixed by the Divisional Engineer, withdraw his application.

416. Powers of Telegraph Authority.—The Telegraph Authority may, if it considers it necessary to do so, refuse to comply with any application for a telephone or similar service or for alteration of any such existing service and may at any time withdraw either totally or partially any telephone or similar service provided under these rules.

417. Temporary connections.—The Telegraph Authority may provide temporary connections for such periods and on such conditions as it may prescribe.

418. Change of telephone number and exchange.—The Telegraph Authority shall have the right at any time to disconnect any exchange line from the exchange to which it is connected and connect it to any other Departmental Exchange and also to alter the telephone number allotted to the subscriber or the name of the exchange to which it is connected. The Telegraph Authority shall have the right to revise the rental and other charges payable in consequence of the alteration.

419. Interception or monitoring of telephons message.—It shall be lawful for the Telegraph Authority to monitor or intercept a message or messages transmitted through telephone, for the purpose of verification of any violation of these rules or for the maintenance of the equipment.

420. Default of subscribers due to insolvency etc.—When a subscriber is adjudged an insolvent or makes or enters into any composition or arrangement with his creditors or suffers execution to be levied upon his premises, or commits any breach of or fails to observe and comply with any of these rules, the Telegraph Authority may close the connection by giving to the subscriber notice in writing for a period of seven days.

421. Disconnection of telephones.—Where the Divisional Engineer is satisfied for reasons to be recorded in writing that it is necessary to do so, he may, after giving the subscriber a notice in writing for a period which shall not except in emergent cases be less than 7 days, disconnect the telephone, and in such case, the subscriber shall be entitled to refund of rent for the unexpired portion of the period for which the connection or service was given.

422. Right of disconnection in emergency.—The Divisional Engineer may, in the event of any emergency, disconnect any subscriber, with or without notice. In case such disconnection exceeds a period of seven days, the subscriber shall be entitled to proportionate refund of rent.

423. No compensation in certain cases.—Save as otherwise provided, a subscriber whose telephone is disconnected under rule 420, 421 or 422 shall not be entitled to any compensation therefor; and the disconnection shall be without prejudice to any other right or remedy of the Telegraph Authority against the

subscriber for the recovery of arrears or other money due from him under these rules.

424. Disconnection due to excessive calls.—In the event of a subscriber making outward local calls in excess of a certain number to be laid down by the Telegraph Authority from a telephone or telephones, of which the count made by the Divisional Engineer shall be conclusive proof, the Divisional Engineer may require the subscriber in writing to rent an additional connection or connections and in default of compliance with such request, the Divisional Engineer may close the connection or connections.

GENERAL CONDITIONS OF SERVICE

425. Damage to or alteration of equipment.—A subscriber shall take good care of the telephone apparatus and of all fixtures and accessories connected therewith and shall not damage, alter or remove or cause to be damaged, altered or removed any such apparatus, fixture or accessories or obliterate any marks, words or number which may be written, painted, stamped or impressed therein.

426. Charges for damage to apparatus.—In the event of the apparatus on the subscriber's premises or any part thereof being damaged, lost or altered from any cause whatsoever, the subscriber shall pay on demand the cost of repairing, renewing or replacing it, which cost shall be determined by the Divisional Engineer. The Divisional Engineer may also disconnect the connection of a subscriber who alters or makes any attachment to the apparatus supplied.

427. Illegal or improper use of telephones.—A subscriber shall be personally responsible for the use of his telephone. No telephone shall be used to disturb or irritate any person or for the transmission of any message or communication which is of an indecent or obscene nature or is calculated to annoy any person or to disrupt the maintenance of public order in any other manner contrary to any provision of law.

428. Other uses of telephone.—No person shall, without the sanction of the Telegraph Authority, use any telephone or cause or suffer it to be used, for purposes other than the establishment of local or trunk calls.

429. Transfer of telephone.—A subscriber shall not, without the permission of the Telegraph Authority, assign, sublet or otherwise transfer the telephone.

430. Death or change of title of a subscriber.—In the event of the death of a subscriber, or a change in the constitution of a subscriber firm or institution, the person claiming to be the successor to such subscriber shall immediately give notice thereof to the Telegraph Authority and shall apply for permission to retain the connection or service.

431. Surrender of telephone apparatus and other accessories.—(1) On the expiry, termination or closure of a telephone service, the subscriber shall surrender to the Telegraph Authority the apparatus with all fixtures and accessories in as good a condition as they were when installed, ordinary wear and tear excepted.

(2) The Telegraph Authority or any telegraph official may, for the purpose of removing the apparatus fixtures and accessories surrendered under sub-rule (1), at all reasonable times enter the premises of the subscriber and any other place under the control of the subscriber through, under or over which any part of the apparatus, fixtures or accessories passes or is fixed, and the subscriber shall not be entitled to any compensation for damages incurred in removing the apparatus, fixtures and accessories.

432. Notice of surrender.—Before surrendering a telephone apparatus and accessories under rule 431, the subscriber shall give notice to the Divisional Engineer, Telegraphs, of not less than 15 days.

433. Shifting of premises without intimation.—If the subscriber vacates the premises in which the telephone or other equipment is fitted, the Telegraph Authority shall be at liberty to recover the apparatus and accessories without affecting the subscriber's liability to payment of rent and charges therefor.

FEES AND OTHER CHARGES

434 **Schedule of fees and charges.**—The charges for various services under these rules shall be as hereinafter specified.

I. Fees : (x) **Installation fees.**—(a) for each telephone connection, internal or external extension, Private Exchange connection, Private Branch Exchange connection, junction lines to Private Branch Exchanges and for each end of a private wire Rs. 40/-

(b) for the first plug and two sockets Rs. 40/-

for each socket installed subsequently Rs. 20/-

(c) for each extra bell Rs. 20/-

Note 1.—Installation fees are leviable on all new installations, permanent and temporary, including own your telephone connections.

Note 2.—Installation fees for Private and Private Branch Exchange Switch boards are leviable at the scale shown in Section VIII.

Note 3.—Where the subscriber is permitted to arrange the internal wiring himself the installation charges will be 50 per cent. of the above charges.

(2) **Reconnection fee.**—(a) (i) Reconnection fee for a telephone connection or telephone installation of any kind or a plug point, disconnected due to default of payment of rent or other dues and restored within a period of seven days from the date of its disconnection. Rs. 20/-

(ii) In all other cases Rs. 40/-

(b) (i) Reconnection fee for an extra bell disconnected due to default of payment of rent or other dues and restored within a period of seven days from the date of its disconnection Rs. 10/-

(ii) In all other cases Rs. 20/-

(3) **Transfer fee.**—(a) If the transfer of the installation from one subscriber to another involves any work at the subscriber's premises, transfer fee shall be levied as follows:

(i) For a telephone connection of any kind or a plug point Rs. 40/-

(ii) For an extra bell Rs. 20/-

(b) If the transfer does not involve any work in the subscriber's premises but involves only a change in the hiring contract, transfer fee shall be levied as follows:—

(i) For a telephone connection of any kind or a plug point. Rs. 20/-

(ii) For an extra bell Rs. 10/-

In the case of transfers not involving any work at the subscriber's premises, the charges for all the installations transferred at one time from one subscriber to another shall be subject to a maximum charge of Rs. 50/-.

II. Shifting charges.—(1) Telephone connections, extensions, plug points and connections to private and private branch exchanges:

(a) for shift from one position to another in the same room. Rs. 20/-

(b) for all other cases of shift from one position to another Rs. 40/-

(2) **Bells :** (a) For shift from one position to another in the same room Rs. 10/-

(b) For all other cases of shift from one position to another Rs. 20/-

(3) **Private and Private Branch exchange switchboards.**—For shift from one position to another in the same room, the charges shall be levied at half the rates prescribed for installation fees in Section VIII subject to a maximum charge of Rs. 100/-. In all other cases of shift, the charges shall be levied at the rates prescribed for installation fees in Section VIII.

III. *Scale of charges for departmental exchange connections.*—(1) Within the local area:

(a) *Measured rate system.*

Exchanges	Rental	Rates of annual rental and call fees	
		No. of local calls allowed free of charge during each quarter	Fees per local call for calls in excess of those allowed free of charge.
(i) Bombay, Calcutta and exchanges in Bihar coal-field areas	Rs. 240/-	200	15 nP.
(ii) Delhi and Madras	Rs. 240/-	200	10 nP.
(iii) Other automatic exchanges	Rs. 240/-	250	10 nP.
(iv) Other manual exchanges	Rs. 240/-	300	10 nP.

The measured rate system may be introduced at any exchange from such date as the Telegraph Authority may, by notification in the Gazette of India, specify in that behalf.

(b) *Flat rate systems—all other exchanges*

Type of exchange	Rates of annual rental
	Rs.
(i) Manual and automatic exchanges of capacity of 300 lines and over.	300
(ii) Automatic exchanges of less than 300 lines capacity	250
(iii) Manual exchanges of capacity of less than 300 lines but over 20 lines	250
(iv) Manual exchanges of 20 lines capacity or less providing:—	
(a) 24 hours service	250
(b) Restricted hours of service	180

(2) *Beyond the local area.*—(a) The rental shall be levied as for connections within the local area plus an additional rental of Rs. 75/- per annum for each additional kilometre or fraction thereof of the actual length of the connection beyond the local area.

NOTE.—Where the length of the connection beyond the local area exceeds three kilometres, the above rates of rental shall apply, but only if the connection is provided by utilising existing wires or cable conductors with inexpensive changes.

(b) In all other cases, special rates of rental shall be charged.

IV. *Charges for connections under 'Own your telephone' scheme.*—A subscriber to whom a telephone connection is provided under this scheme shall be required to make an initial payment of a specified lump sum and in consideration thereof get a reduction in the annual rental for a fixed period. The particulars of the initial lump sum payment, etc. are shown in the table below:—

	Bombay and Calcutta	Kanpur	All other exchanges
	Rs.	Rs.	Rs.
(a) Initial payment	2,500	2,000	2,000
		1,000	
(b) Initial period during which a reduction in rental will be admissible	20 yrs.	20 yrs.	20 yrs.
		10 yrs.	
(c) Rebate in the annual rental	120	96	96

V. Charges for extensions

	Annual Rental
(a) Internal extension without inter-communication facility	Rs. 60
(b) Internal extension with intercommunication facility.	100
(c) External extensions:	
	Measured rate system Flat rate system
	Rs. Rs.
(i) Not exceeding one kilometre radial distance from the main connection	250 180
(ii) Exceeding one kilometre radial distance from the main connection	Charges as for one kilometre plus Rs. 75 for each additional one kilometre or fraction thereof.

For extensions exceeding 5 kilometres, the above rates shall apply only if existing wires or cable conductors are utilised with inexpensive changes. In all other cases, special rates or rents shall be charged.

VI. Charges for additional facilities :

(1) Particulars of the facility	Annual Rental
	Rs.
(a) Extra bell	20
(b) Extension bell with switch	20
(c) (i) A plug and two sockets	25
(ii) Every additional sockets	15
(d) (i) Long cord upto 5 metres in length	30
(ii) For every additional 5 metres length	15
(e) A complete telephone set	60
(f) Extra receiver	10
(g) Head and Breast telephone set	20
(h) Coin collecting box	60

(2) The additional charge to be levied for a coloured telephone instrument shall be Rs. 40/- per instrument, which shall not be refundable in any case.

VII. Temporary installations :

(1) Temporary connection from a Departmental exchange

- (a) Measured rate exchanges Rental of Rs. 30/- per month or part thereof plus call fees as prescribed in table (a) under Para (1) of Section III.
- (b) Flat rate exchanges Rental of Rs. 30/- per month or part of a month.

(2) Temporary extensions and private wires:—The charges for temporary extensions and private wires shall be levied at half the appropriate annual rental prescribed for the corresponding facility if provided on regular basis as prescribed in Sections V and IX respectively.

VIII. Charges for private exchanges and private branch exchanges

(1) Rent and installation charges for switchboards :

Size of Board	Installation charges	Annual Rental
	Rs.	Rs.
Private Manual Exchanges and Private Manual Branch Exchanges :		
1 plus 3*	50	200
2 plus 6*	100	350
3 plus 9*	150	500
5 plus 20†	10 per equipped termination on the switchboard	40 per equipped termination on the switchboard
10 plus 50†	Do.	Do.
Over 10 plus 50†	Do.	Do.
Private Automatic Exchanges and Private Automatic Branch Exchanges	10 per equipped termination on the switchboard subject to a minimum charge of Rs. 150.	60 per equipped termination on the switchboard.

*Cordless †Floor-pattern

NOTE 1.—For private manual and private manual branch exchanges of over 50 lines capacity and for all private automatic and private automatic branch exchanges, rental for switchboards shall be levied either at the rates shown above or at special rates calculated on the basis of capital cost incurred in installing the switchboard, whichever is higher.

NOTE 2.—The rental and installation charges in respect of floor-pattern switchboards shall be determined on the number of terminations equipped. The terminations will include those for private exchange and private branch exchange connections (internal and external), for private wires, for inter-switchboard junctions and tie lines but not those for direct exchange connections.

(2) Rental for telephone connections from Private Exchanges (Manual and automatic) and private branch exchanges (manual and automatic)

	Annual Rental
(a) Internal connections and internal private wires	Rs. 60/- (applicable in both flat rate and measured rate systems).
(b) External connections	Measured rate system Flat rate system
	Rs. Rs.
(i) Not exceeding one kilometre radial distance from the private or private branch exchange.	250 180
(ii) Exceeding one kilometre radial distance from the private or private branch exchanges.	Charges as for one kilometre plus Rs. 75 for each additional one kilometre or fraction thereof.

For connections exceeding five kilometres, special rates of rental shall be charged, but in cases where the connections are provided by utilising existing lines or cable conductors, rental shall be charged at the rates specified above.

(3) Charges for external private wires, inter-switchboard junctions and tie lines shall be levied at the same rates as prescribed for external extensions in Section V.

(4) The junction lines to private branch exchanges shall be charged at the rates prescribed for departmental exchange connections in Section III.

IX. Charges for Private Wires (or non-exchange lines).

Annual rental		
(r) (a) Internal private wires	Rs. 1000 - (in both flat rate & measured rate systems)	
(b) External private wires	Measured rate system	Flat rate system
(i) Not exceeding one kilometre radial distance.	Rs. 250/-	Rs. 180/-
(ii) Exceeding one kilometre radial distance.	Charges as for one kilometre plus Rs. 75/- each additional one kilometre or fraction thereof.	

(2) For private wires exceeding five kilometres, special rates of rental shall ordinarily be charged. In cases where the facility is provided by utilising existing wires or cable conductors, rental shall be charged at the rate prescribed above.

(3) If private wires are provided with one or more intermediate stations, the total chargeable distance shall be the sum total of the distances between each two consecutive stations.

435. Service connections.—Telephones for the use of the Posts and Telegraphs Department shall be provided free of rent to the extent considered necessary by the Telegraph Authority. No charge shall be made in connection with the business of the Department.

436. Payment of bills and charges.—A subscriber shall pay the charges for installation or shift or the rent for a telephone connection or similar service for such periods and at such times as may be prescribed by the Telegraph Authority.

437. Rental.—The rental for a period shall be payable before the commencement of that period.

438. Rental periods.—Monthly and annual rental periods shall commence from the first of a month or from such other day as the Telegraph Authority may fix; rentals for broken periods of a month shall be charged proportionately.

439. Charges when payable.—Charges for calls in message rate or measured rate system shall become payable on presentation of a bill therefor. The periods for which bills shall be prepared and the dates by which they shall be payable shall be fixed by the Telegraph Authority.

440. Responsibility of subscriber to pay bills.—A subscriber shall be personally responsible for all calls (local and trunk) made and phonograms sent for onward transmission from his telephone and for the payment of all charges therefor.

441. Account of charges due.—The Telegraph Authority shall designate the officers who shall maintain the accounts in respect of the number of calls and the charges due from subscribers. Such accounts shall be conclusive proof that the charges mentioned therein have been incurred.

442. Service of notices and bills.—Any notice, bill or demand from the Telegraph Authority for any fee or charges due from a subscriber may be served by delivery to the subscriber, or by sending it by post to the address of the subscriber or by leaving it at the premises in or upon which the apparatus is installed.

443. Default of payment.—If, on or before the due date, the rent or other charges in respect of the telephone service provided are not paid by the subscriber in accordance with these rules or bills for charges in respect of calls (local and trunk) or phonograms or other dues from the subscriber are not duly paid by him, any telephone or telephones rented by him may be disconnected without notice. The telephone or telephones may, if the Telegraph Authority thinks fit, be restored if the defaulting subscriber pays the rent and all other dues outstanding from him together with an installation fee within such period of time as may be prescribed by the Telegraph Authority from time to time.

444. Termination of connection before expiry of period.—If a telephone or other installation is given up or terminated owing to default by the subscriber within the specified minimum period, the sum due for the unexpired portion of that period shall immediately become payable.

445. Security for charges.—The Telegraph Authority may, at any time, before or during the period for which a telephone or other like service is provided, require a subscriber to deposit as security such amount as it may consider necessary and if the subscriber fails to comply with such demand within such period as it may specify, the Telegraph Authority may withdraw the service and remove any telephone or other apparatus belonging to the Telegraph Authority. Where the security deposit is paid, any amount due from the subscriber by way of fee or other charges under these rules may be adjusted against the amount so deposited.

446. Refunds.—If a subscriber surrenders a telephone connection or other service before the expiry of the period for which rental or other charges have been paid, the Divisional Engineer shall refund such portion of the rental or other charges as may be prescribed by the Telegraph Authority.

TRUNK TELEPHONES

447. Classes of trunk calls.—The Telegraph Authority shall from time to time prescribe various classes of trunk calls and their relative order of priority. It shall have the power to restrict any specified class of trunk calls to any particular group of subscribers or to restrict any class of trunk calls to any specified duration.

448. Duration of a call.—(1) The duration of a trunk call shall be calculated from the time when the calling number is informed by the trunk operator:—

(i) in the case of a particular person call, that the specific person is on the line;

(ii) in the case of any other call, that the called number is connected.

(2) In all disputes regarding the duration of a call, the decision of the Telegraph Authority or such other Officer as may be nominated by the Telegraph Authority shall be final.

449. Refusal of trunk connections.—If the called number or the particular person refuses the trunk connection after being rung up, or if the calling number fails to answer when the called number or the particular person is available, the charge for a single period plus the charges for additional facilities appropriate to the class and the time of the call shall be made against the caller.

450. Refund for trunk calls.—(1) A refund of any amount paid in excess of the charges prescribed in these rules in respect of trunk calls shall be made on application to the Telegraph Authority.

(2) No claim for refund shall be considered unless it is received by the authority concerned within six months from the date of the call in respect of which the claim is made.

451. Charges for trunk calls.—The charges for trunk calls shall be as hereinafter specified.

A. Trunk charges for unit call of ordinary category shall be calculated as follows:—

- | | |
|---|---|
| (i) For exchanges at a distance upto 160 k.m. . | 30 nP. for each 20 k.m. and fraction thereof. |
| (ii) For exchanges at a distance over 160 k.m. but not over 560 k. m. | Charges for first 160 k.m. plus charges @ 20 nP. for each 20 k.m. or fraction thereof. |
| (iii) For exchanges at a distance over 560 k.m. and not over 800 k.m. | Charges for first 560 k.m. plus charges @ 25 nP. for each 40 k.m. or fraction thereof. |
| (iv) For exchanges at a distance over 800 k.m. . | Charges for first 800 k.m. plus charges at 37.5 nP. for each 80 k.m. or fraction thereof, subject to a maximum of Rs. 12/-. |

B. Trunk call charges for higher priority calls shall be calculated as follows :—

Priority	Charges
(i) Urgent and SVH	Double the rate for ordinary calls
(ii) Most immediate, Operation Immediate, Important.	Four times the rate for ordinary calls.

C. Reduced charges during certain hours of the day and on Holidays etc. :

(a) All days other than Sundays and Telegraph Holidays

00.00 hrs. to 05.00 hrs.	100%
05.00 hrs. to 06.00 hrs.	40%
06.00 hrs. to 09.00 hrs.	70%
09.00 hrs. to 20.00 hrs.	100%
20.00 hrs. to 23.00 hrs.	70%
23.00 hrs. to 24.00 hrs.	40%

(b) Sundays and telegraph holidays

00.00 hrs. to 07.00 hrs.	100%
07.00 hrs. to 24.00 hrs.	50%

The 100% tariff is the normal full-rate tariff for a trunk call.

No reduction shall, however, be made which reduces the charge to less than 40 nP.

D. Additional charges to be levied for special services :—

Facility	Rate
(i) Particular person call effective or ineffective.	25% of the charge of a Unit call of ordinary category. For calls during reduced rate period as in item (C) above, 25% of the charges shall be proportionately reduced. The charges will be subject to a minimum of 20 nP. in all cases.
(ii) Fixed time call	25% of the charge of a unit call of ordinary or urgent category.

	Ordinary call	Urgent call
Subject to	Minimum 40 nP. Maximum Rs. 2/-	80 nP. Rs. 4/-

- (iii) Subscription fixed time call Half the rate as laid down for item (ii) above.
 (iv) Late fee per call, effective or ineffective 50 nP.
 (v) Messenger service per call effective or ineffective. Will be fixed in each case by Telegraph Authority.

E. Additional charges for Public Call Office calls for each Unit Call :

- (i) Within 4 miles of an exchange or within the local area. 15 nP.
 (ii) Over 4 miles and outside the local area but not exceeding 7 miles from an exchange. 25 nP.
 (iii) Over 7 miles and not exceeding 12½ miles 40 nP.
 (iv) Over 12½ miles, every 12½ miles or part thereof thereafter an extra charge of 20 nP.
 (v) Public Call Office interpolated 15 nP.
 (vi) Public Call Office connected to an exchange by wireless. Double the rate of Public Call charges shown above.

Item (iii) and (iv) shall be subject to proportionate reduction in the period for reduced charge calls as in para 'C' above, subject to a minimum of 40 nP.

TELEPHONE DIRECTORIES

452. Supply of telephone directories.—A copy of the telephone directory shall be supplied free of charge for each telephone, extension or party line, rented by the subscriber from an exchange system or private branch exchange or a private exchange. A copy shall also be supplied free of charge for each extension (including extension from an extension) working from a public call office. Additional copies supplied shall be charged for at such rate as may be fixed by the Telegraph Authority from time to time.

453. Entries in telephone directories.—For each direct telephone line rented (i.e. for main connections, direct extensions and PBX junction lines) ordinarily only one entry not exceeding one line will be allowed free of charge in the telephone directory to every subscriber. Such entry shall contain the telephone number, the initials, the surname and the address of the subscriber or user. No word which can intelligibly be abbreviated shall be allowed to be printed in full. Additional lines may be allowed by the Telegraph Authority at its discretion.

454. Public Call Offices etc.—Public Call Offices and extensions from Public Call Offices shall be shown in the directories in the same manner in which exchanges and direct connections therefrom are listed. List of local Public Call Offices may be included in the Directory of the Parent Exchange.

455. Extra lines charges.—Extra lines in 'Free of charge' entries or extra entries will be charged for at such rate as may be prescribed by the Telegraph Authority from time to time.

456. Charges for central headings in larger type.—When five or more telephone lines are rented by an institution, trade or department, a central heading in larger type not exceeding one line may be given free of charge to enable the individual entries to be in small type subject to the total number of lines of entries being limited to the number of free line entries admissible. In other cases, central heading in bold type shall be charged at a rate to be fixed by the Telegraph Authority from time to time.

457. General.—Any telephone directory provided by the Department shall remain its exclusive property and shall be delivered to it on demand. The Department reserves the right to amend or delete any entries in the telephone directory at any time and undertakes no responsibility for any omission; and it shall not entertain any claim or compensation on account of any entry in or omission from the telephone directory or of any error therein.

458. Publishing of telephone directory.—Except with the permission of the Telegraph Authority, no person shall publish any list of telephone subscribers.

459. Advertisements.—The Telegraph Authority may publish or allow the publication of advertisements in the body of the telephone directory."

(No. 21-1/58 PHC)

K. K. SARAN,
Secretary P. & T. Board.

MINISTRY OF IRRIGATION AND POWER

ORDER

New Delhi, the 2nd March 1960

S.O. 628.—In supersession of order No. EI-III-353(7)57, dated the 19th November, 1957, and in exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that—

- (i) proviso (a) to Rule 118,
- (ii) sub-rule (1) (a) of Rule 119, and
- (iii) sub-rule (7) of Rule 123

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 54 R.B., 2½ cu.yd., electrically driven Ruston Bucyrus shovel with Ward Leonard system of control, serial No. 22583—

One 125 H.P., 3000/3300 volts, Type FK.T 84, B.T.H. induction motor, serial No. R-226926 with one 125 H.P., 3000/3300 volts, type OAHT126 B.T.H. auto-transformer starter serial No. 1965096/1.

One 4.5 K.V.A., single phase, 3300/110 volts, Foster Transformer Ltd., lighting transformer, serial No. 4MB427,

One length, not exceeding 600 feet of .0225 sq. inch (91/.018), four core, 3.3 K.V. grade, type 321 cable to B.S.S. 1116/1956 with one Reyrolle 400 amps, 3300 volts, type E9, 3 phase gate-end panel fitted with flit coupler

at the limestone quarries at Kymore Cement Works, Kymore, district Jabalpur, Madhya Pradesh, of the Associated Cement Companies Ltd., to the extent that—

- (1) the motor of the shovel may be used at 3.3 K.V.,
- (2) the transformer and other associated equipments using energy at high voltage may not be fixed apparatus when installed on the portable shovel moving from place to place, and
- (3) the length of the flexible cable with the transportable machine may not exceed 600 feet, and that

the relaxation shall be subject to the following conditions:—

- (a) In order to render adequate protection to the .0225 sq. in. pliable armoured cable, the 3.3 K.V. Reyrolle gate-end panel in conjunction with same should have the over-current protection set and maintained at the continuous current rating of 40 amps.
- (b) the 3.3 K.V. Reyrolle gate-end switch controlling supply to the flexible cable should be provided with earth-leakage protection at a leakage current not exceeding 5 amps.
- (c) the flexible trailing cable for use with the excavating machine should be connected to the Reyrolle gate-end panel and the shovel by properly constructed connector boxes.
- (d) The flexible cable for use in conjunction with the excavating machine should be used and handled only by authorised persons with due care so as to avert any danger arising out of its use.
- (e) The excavating machine should be only worked by authorised operators with due care so as to avert any danger arising out of any electrical defect, and the insulation resistance of the high voltage circuit including the driving motor and the lighting transformer should not be less than 10 megohms.
- (f) The operators employed to work the shovel should be duly trained and authorised.
- (g) The installation and wirings inside the shovel should comply with the relevant Indian Electricity Rules, 1956, in particular rules 113 to 117, 120, 121, 123 to 125 and 130;

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and that the information shall be given to the Central Government through the Electric Inspector of Mines as soon as the machine is taken out of the mine.

[No. EI-III-3(17)/59.]

N. S. VASANT,

Officer on Special Duty.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 29th February 1960

S.O. 629.—In exercise of the powers conferred by rule I of Order XXVII of the first Schedule to the Code of Civil procedure 1908 (5 of 1908) read with Section 141 of the said code, the Central Government hereby appoints, for the period from the 1st October, 1959 to the 31st October, 1959, the Dy. Controller of Stores, Integral Coach Factory, Perambur, Madras, to sign and verify complaints and

written statements and to act for the Government in any suit or other proceedings by or against the Central Government in respect of Integral Coach Factory, Perambur, Madras.

[No. E(G)59LL2-22.]

ORDER

New Delhi, the 29th February 1960

S.O. 630.—It is hereby notified for general information that the Deputy Controller of Stores, Integral Coach Factory, Perambur, Madras is ex-officio authorised during the period 1st October 1959 to 31st October 1959 to act for and on behalf of the Central Government in respect of all judicial proceedings in which the Integral Coach Factory may be concerned.

[No. E(G)59LL2-22.]

R. E. de Sa, Secretary.

MINISTRY OF REHABILITATION

New Delhi, the 3rd March 1960

S.O. 631.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Punjab for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the evacuee properties specified in the said Schedule.

THE SCHEDULE

Sl. No.	Particulars of evacuee Property	Name of the Town, Locality, Village in which evacuee property is situated.	Name of the evacuee.
1.	Property No. 46/B. II. (Portions)	Gohana, District Rohtak.	Abdul Hamid s/o Mashuq Ali Khan.
2.	Property No. 1166/B. III	Rohtak, District Rohtak.	Kundan s/o Badlu (Doom).
3.	Property No. 860/II	Sirsa, District Hissar (Mohalla Dhobian).	Kutubu Din s/o Umda Sheikh.
4.	Property No. B-II-159	Sonepat, District Rohtak.	Abdul Karim S/o Bharu.
5.	Property No. B. III-443-A	Rohtak, District Rohtak.	Smt. Nawab Begam daughter of Asgar Ali.

[No. 1(1219)-58/Comp.III/Prop-I.]

S.O. 632.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Uttar Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the said evacuee properties.

THE SCHEDULE
DISTRICT MAINPURI

Sl. No.	Particulars of the Property	Name of the town and locality in which the evacuee property is situated	Name of Evacuee
1	2	3	4
	TOWN MAINPURI		
1.	House Number 811	Mohalla Chhapatti, Mainpuri.	Sri Mushtaqin Beg, son of Rahim Beg.
	BEWAR (BHONGAON)		
2.	House Number 80	Mohalla Brahman tola, Bewar.	Sri Mohammad Dararz Ali, son of Sakhawat ali.

DISTRICT LUCKNOW

1.	Portion of Bhopal House (Area 5106 sq. yds.) bounded as below:— East:—House of Cosharer and the open plot. West:—Municipal Road, and Municipal Board Building. North:—Cycle stand of Municipal Board. South:—Municipal Road.	Lalbagh.	Sri N. Shamsul Husain Khan, son of Late N. Amir Hussain Khan, resident of Lalbagh, Lucknow.
2.	Portion of Bhopal house (Area 263 sq. yds.) bounded as below:— East:—House of Cosharer. West:—Motor Garage belonging to Municipal Board. North:—Plot of Land belonging to Life Insurance Corporation. South:—Cycle stand belonging to Municipal Board, Lucknow.	Lalbagh.	Do.

DISTRICT JHANSI

1.	58 Shop	Gosianpura.	Abdul Mugni, son of Abdulgani.
2.	59 House	Do.	Do.
3.	60 „	Do.	Do.
4.	61 „	Do.	Do.
5.	62 Shop	Do.	Do.
6.	63 „	Do.	Do.
7.	64 „	Do.	Do.
8.	65 „	Do.	Do.
9.	66 „	Do.	Do.
10.	67 „	Do.	Do.
11.	68 „	Do.	Do.
12.	69 „	Do.	Do.
13.	22, Pasrat Mohalla (House)		Do.
14.	181, Sagargate (House)		Nazir Mohammad, son of Lal Mohammad.

Sl. No.	Particulars of the Property	Name of the town and locality in which the evacuee property is situated	Name of Evacuee
1	2	3	4
DISTRICT HAMIRPUR			
1. Khandar		Situated at Mohalla Saidwara, Hamirpur.	Musammat Akila <i>alias</i> Sagiran, wife of Sri Abdul Shakoor.
2. Khandar		Situated at Mohalla Manjhoopur, Hamirpur.	Do.

[No. 1(1217)-58/Comp.III/Prop.I.]

K. B. MATHUR, Under Secy.

(Office of the Chief Settlement Commissioner)

New Delhi, the 9th February 1960

S.O. 633.—In exercise of the powers conferred on me by Sub-Section (2) of Section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), I hereby delegate to Shri H. R. Nair, Deputy Chief Settlement Commissioner with effect from the 9th February, 1960, the following powers of the Chief Settlement Commissioner:—

1. Power to hear appeals under Section 23 of the said Act.
2. Power to hear revisions under Section 24 of the said Act.

[No. 11-A(3)/CSC/AI-60/III.]

S.O. 634.—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954) I have delegated to Shri H. R. Nair, Deputy Chief Settlement Commissioner with effect from the 9th February, 1960, the following powers of the Chief Settlement Commissioner:—

1. Powers to call for the record of any case decided by the Settlement Officer and pass order in the case under provision to Sub-Section (3) of Section 4 of the said Act.
2. Special power of revision under Section (5) of the said Act in respect of cases decided under the Displaced Persons (Claims) Act, 1950 (44 of 1950).

[No. 11-A(3)/CSC/AI-60/IV.]

S.O. 635.—In exercise of the powers conferred on me by Sub-Section (2), of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954) I have delegated to Shri H. R. Nair, Deputy Chief Settlement Commissioner, with effect from the 9th February, 1960, the following powers of the Chief Settlement Commissioner, namely:—

1. Power to transfer cases to Settlement Officers by general or special order under Sub-Section (1) of Section 4 of the said Act.
2. Power to require a Settlement Officer to appoint one or more persons to advise him in any proceeding pending before him, under Sub-Section (2) of Section 6 of the said Act.
3. Power to transfer any case pending before a Settlement Officer to another Settlement Officer under Section 7 of the said Act.

[No. 11-A(3)/CSC/AI-60/V.]

S. W. SHIVESHWARKAR,
Chief Settlement Commissioner.

Office of the Chief Settlement Commissioner*New Delhi, the 4th March 1960*

S.O. 636.—In exercise of the powers conferred on me by sub-Section (3) of Section 55 of the Administration of Evacuee Property Act (31 of 1950), I, S. W. Shiveshwarkar, I.C.S., hereby delegate to Shri H. R. Nair, Deputy Custodian General of Evacuee Property, all powers vested in me under the said Act.

[No. 16(11)-Admn(Prop)/60.]

S. W. SHIVESHWARKAR,

Custodian General of Evacuee Property.

Office of the Chief Settlement Commissioner

S.O. 637.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (31 of 1950) the Central Government hereby appoints Shri H. R. Nair, Deputy Chief Settlement Commissioner as Deputy Custodian General of Evacuee Property with effect from the forenoon of 9th February, 1960 until further orders.

[No. 16(11)-Admn(Prop)/60.]

S. W. SHIVESHWARKAR, Jt. Secy.**MINISTRY OF LABOUR & EMPLOYMENT***New Delhi, the 1st March 1960*

S.O. 638.—The following regulations which have been made by the Central Board of Trustees of the Employees' Provident Fund in pursuance of subparagraph (2) of paragraph 23 of the Employees' Provident Funds Scheme, 1952 (published with the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1509 dated the 2nd September 1952) and with the approval of the Central Government, are published for general information:

EMPLOYEES' PROVIDENT FUND ORGANISATION (STAFF CONTRIBUTORY PROVIDENT FUND) REGULATIONS, 1960.

Short Title and Commencement.—(1) These regulations may be called the Employees' Provident Fund Organisation (Staff Contributory Provident Fund) Regulations, 1960.

(2) They shall be deemed to have come into force with effect from the 1st day of April, 1954.

2. Definitions.—In these regulations, unless the context otherwise requires,—

(i) 'Commissioner' means a Commissioner for Employees' Provident Fund appointed under the Employees' Provident Funds Scheme, 1952;

(ii) 'emoluments' means pay, dearness pay, leave salary or subsistence grant as defined in the Fundamental Rules and includes:—

(a) any wages paid by the Employees' Provident Fund Organisation to the employees' not remunerated by fixed monthly pay;

(b) any remuneration of the nature of pay received in respect of foreign service i.e., service rendered with any other employer with the permission of the Central Provident Fund Commissioner;

NOTE: As regards regional offices, for the purpose of calculation of provident fund contributions, half of the dearness allowance admissible to the staff of the regional offices under the respective State Government rules should be treated as dearness pay irrespective of the fact whether particular State Government has specified more than half or less than half of the dearness allowance as dearness pay provided that for the period from 1st March 1954 to 31st March, 1958, the element of full dearness allowance shall be deemed to be included in the emoluments.

(iii) 'employee' means any person holding an appointment, the emoluments of which are paid by the Employees' Provident Fund Organisation;

(iv) 'Employees' Provident Fund Organisation' means the Organisation set up under the Employees' Provident Funds Act, 1952 and the Scheme framed thereunder;

(v) 'family' means:—

(a) in the case of male subscriber, the wife or wives and children of the subscriber and the widow or widows and children of a deceased son of the subscriber;

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which the parties belong to be entitled to maintenance, she shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently indicates by express notification in writing to the Commissioner that she shall continue to be so regarded; and

(b) in the case of a female subscriber the husband and children of the subscriber and the widow or widows and children of a deceased son of the subscriber;

Provided that if a subscriber by notification in writing to the Commissioner expresses her desire to exclude her husband from her family, the husband shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently cancels formally in writing her notification excluding him;

NOTE I—'Children' means legitimate children;

NOTE II—An adopted child shall be considered to be a child only when the Commission or when any doubt arises in the mind of the Commissioner, the Solicitor to the Government of India, is satisfied that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child;

(vi) 'Provident Fund' means the Employees' Provident Fund Organisation Staff Contributory Provident Fund;

(vii) 'staff' means employees appointed under the Employees' Provident Fund Organisation for the Administration of the Employees' Provident Funds Scheme, 1952;

(viii) 'subscriber' means any employee or a member of the Staff of the Employees' Provident Fund Organisation admitted to the Provident Fund;

(ix) 'Year' means a financial year beginning on the 1st day of April and ending on the 31st March following.

3. Constitution.—There shall be created a Fund called "The Employees' Provident Fund Organisation Staff Contributory Provident Fund" (hereinafter referred to as the 'Provident Fund').

4. Management of the Provident Fund.—The Provident Fund shall be administered and maintained by the Commissioner in rupees in India.

5. These regulations shall apply to all non-pensionable employees holding a substantive appointment in the Employees' Provident Fund Organisation:

Provided that employees in temporary service may also be admitted to the Provident Fund with the written consent of the Commissioner if they have been employed or in the opinion of the Commissioner are likely to be employed for at least three years:

Provided further that persons appointed on probation to substantive appointments or appointed to officiate in an office which is vacant or the permanent incumbent of which does not draw any part of the pay or count service may, if they are confirmed without interruption be allowed to join the Provident Fund with retrospective effect from the date of their joining the service but the monthly subscription of a subscriber admitted to the Provident Fund under this proviso shall not be less than 10 per cent. of his pay till all arrears are paid up in full.

6. Nomination.—(1) A subscriber shall, as soon as may be after admission to the Provident Fund, submit to the Commissioner a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Provident Fund in the event of his death occurring before that amount has

become payable or having become payable has not been paid. If any such person predeceases the subscriber, the right conferred upon him shall pass to such other person or persons as provided in the nomination;

(2) If at the time of making the nomination the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family;

(3) Every such nomination shall be in the form set forth in the First Schedule to these regulations. If a subscriber nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Provident Fund at any time.

(4) A subscriber may, at any time, cancel a nomination by sending a notice in writing to the Commissioner:

Provided that the subscriber shall, along with such notice, send a fresh nomination in accordance with sub-regulations (1) and (2).

(5) Every nomination made and every notice of cancellation given, by a subscriber shall, to the extent that it is valid, take effect, on the date on which it is received by the Commissioner.

(6) A subscriber may provide in a nomination:

- (a) in respect of any specified nominee that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other persons as may be specified in the nomination;
- (b) that the nomination shall become invalid in the event of the happening of a contingency specified therein provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

7. Subscriber's Account.—An account shall be prepared in the name of each subscriber and maintained by the Commissioner in the form set forth in the Second Schedule appended to these regulations.

8. Conditions and rate of subscription.—(1) A subscriber shall subscribe monthly to the Provident Fund when on duty or foreign service.

(2) A subscriber may, at his election, not subscribe during leave.

(3) A subscriber shall intimate his election not to subscribe during leave by a written communication to the Commissioner at least ten days before he proceeds on leave.

(4) Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

(5) The election of a subscriber intimated under this sub-regulation shall be final.

(6) A subscriber shall not subscribe to the Provident Fund when on extraordinary leave without pay or under suspension. He shall, however, on return from a period of such leave without pay or on re-instatement after a period passed under suspension, be allowed the option to subscribe for that period at the discretion of the Commissioner. The amount of subscription to be paid shall also be determined by the Commissioner, the general principle to be observed being that the subscription should be calculated on one-half the emoluments drawn by the employee before he proceeded on leave without pay or was placed under suspension.

9. (1) The amount of subscription shall be fixed by the subscriber himself subject to the following conditions:—

(a) it shall be expressed in whole rupees;

Provided that if the emoluments of the subscriber do not exceed fifty rupees a month, the amount may be any multiple of a half rupee; and

(b) it may be any sum so expressed at a rate not less than 8-1/3 per cent of his monthly emoluments.

NOTE.—For the period from 1st March, 1954, to 31st March, 1958, the rate of contribution shall be 6½ per cent. of the monthly emoluments.

(2) For the purpose of sub-regulation (1) the emoluments of a subscriber shall be—

- (a) in the case of a subscriber who was on duty on the 31st March, of the preceding year, the emoluments to which he was entitled on that date;
- (b) in the case of a subscriber admitted to the Provident Fund on a subsequent date, the emoluments to which he was entitled on such subsequent date;
- (c) in the case of a subscriber who was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave the emoluments to which he would have been entitled had he been on duty; and
- (d) in the case of a subscriber who was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date the emoluments to which he was entitled on the first day after his return to duty.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription for each year on the basis of his emoluments and rate permissible.

(4) The subscriber shall be permitted to increase the amount of subscription once at any time during the course of the year; there shall, however, be no corresponding increase in the contribution by the Employees' Provident Fund Organisation:

Provided that if a subscriber is on duty for a part of a month and on leave for the remainder of that month and if he has elected not to subscribe during leave the amount of the subscription shall be proportionate to the number of days spent on duty in the month.

10. Realisation of subscription.—(1) When the emoluments are drawn on the establishment pay bills, recovery of subscription to the principal and interest of advances granted from the Provident Fund shall be made by deduction from the pay bills.

(2) When the emoluments are drawn otherwise, the subscriber shall forward his dues monthly to the Commissioner.

11. Contribution by the Employees' Provident Fund Organisation.—(1) The Commissioner shall make yearly a contribution to the account of each subscriber:

Provided that if a subscriber quits service or dies during the course of a year, proportionate contribution shall be credited to his account for the period between the close of the preceding year and the date of his retirement or death as the case may be.

(2) The rate of contribution made by the Commissioner shall be 8-1/3 per cent (1/12th) of the subscriber's emoluments drawn on duty or if he has been on leave and elected to subscribe during such leave the emoluments shall be deemed to be consisting of leave salary and dearness pay.

NOTE.—For the period from 1st March, 1954 to 31st March, 1958, the rate of contribution shall be 6½ per cent. of the monthly emoluments which means pay plus dearness allowance.

(3) The amount of contribution shall be rounded off to the nearest whole rupee (fifty naye paise counting as the next higher rupee).

12. Interest.—(1) The Commissioner shall pay to the credit of the account of a subscriber interest at such rate as the Central Government may from time to time prescribe for the payment of interest on a subscriber's accumulations in the Provident Fund.

(2) In addition to any amount to be paid under regulation 23, interest thereon upto the end of the month preceding that in which payment is made, or upto the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the persons to whom such amount is to be paid:

Provided that no interest shall be paid in respect of any period after the date which the Commissioner has intimated to that person (or his agent), as the date on which he is prepared to make payment in cash, or if he pays by cheque after the date on which the cheque in that person's favour is put in the post.

(3) Interest shall be credited with effect from the 31st March, of each year in the following manner:—

- (i) on the amount at the credit of a subscriber on the 31st March of the preceding year less any sums withdrawn during the current year—interest for twelve months;
- (ii) on sums withdrawn during the current year—interest from the 1st April of the current year upto the last day of the month preceding the month of withdrawal;
- (iii) on all sums credited to the subscriber's account after the 31st March, of the preceding year—interest from the date of deposit upto the 31st March, of the current year;
- (iv) the total amount of interest shall be rounded off to the nearest rupee in the manner provided in sub-regulation (3) of regulation 11:

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-regulation in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing at the credit of a subscriber become payable.

13. Advances.—When the pecuniary circumstances of a subscriber are such that indulgence is absolutely necessary a temporary recoverable advance may, at the discretion of the Commissioner, be granted to a subscriber out of the amount standing to his credit in the Provident Fund, on the conditions that:—

- (i) the advance is required to pay expenses on any of the following objects—
 - (a) to pay expenses incurred in connection with prolonged illness of the subscriber or any person actually dependent on him;
 - (b) to pay for the overseas passage for reasons of health or education of the subscriber or any person actually dependent on him;
 - (c) to pay obligatory expenses on a scale appropriate to the subscriber's status in connection with marriages, funerals or ceremonies which by his religion it is incumbent on him to perform;
- (ii) the advance is expressed in whole rupees and shall not except for special reasons, exceed three months' pay of the subscriber or 50 per cent. of the accumulation in the Fund, whichever is less, and shall in no case exceed the amount of subscription and interest thereon standing to his credit in the Provident Fund;
- (iii) a written request is made to the Commissioner showing reasons for the request:

Provided that if the reason is of a confidential nature it may be communicated to the Commissioner personally or confidentially.

14. Recovery.—Any advance shall be recovered from the subscriber in such number of equal monthly instalments as the Commissioner may direct but the number shall not be less than 12 unless the subscriber so elects or in any case more than 24, the amount of advance being raised or reduced, if necessary, to admit of the fixation of such instalments. The instalments shall be expressed in whole rupees and recovered from the subscriber's salary in the manner indicated in regulation 10. The first instalment shall commence from the first payment of a full month's salary after the grant of advance.

15. Recovery of interest.—(a) After the principal of the advance has been fully repaid, interest thereon shall be recovered in one instalment at the rate of 5/12 per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that when the advance is distributed to be recovered in more than 18 instalments, the interest may be recovered in two instalments.

15. (b) Recoveries made under this regulation shall be credited as they are made to the account of the subscriber in the Fund.

16. **Deductions.**—Subject to the conditions that no deduction may be made which reduces the credit by more than the amount of contribution by the Commissioner with interest thereon credited under regulations 11 and 12 before the amount standing to the credit of a subscriber in the Provident Fund is paid out of the Fund, the Commissioner may direct the deductions therefrom and payment to the Forfeiture Account of—

(a) any amount, if a subscriber has been dismissed from the service from grave misconduct;

Provided that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced at his credit in the Provident Fund;

(b) any amount if a subscriber resigns his employment under the Employees' Provident Fund Organisation within five years of commencement of service thereof otherwise than by reasons of superannuation or a declaration by competent medical authority that he is unfit for further service; and

(c) any amount due under a liability incurred by the subscriber to the Employees' Provident Fund Organisation.

17. **Withdrawals from the Fund for payment towards Insurance Policies.**—Any amount with interest thereon standing to the credit of a member in the account of the Fund may be withdrawn only once a year to make payment towards a policy of life insurance:

Provided that the withdrawal shall not be permitted before the details of the proposed policy have been submitted to the Commissioner in such form as he may specify and accepted by him as suitable, nor shall the withdrawal be permitted in excess of the amount required to pay a premium or subscription actually due for payment within six months of the date of withdrawal;

Provided further that no amount may be withdrawn to make any payment in respect of or for the purpose of purchasing an educational endowment policy if that policy is due for payment in whole or part before the member attains the age of 55 years:

Provided further that the amount withdrawn shall not exceed the total contribution of the member upto the date of withdrawal;

Provided further that the number of policies in respect of which withdrawal of subscription is permitted, shall not exceed 4.

18. **Recovery of the amount advanced for financing insurance policy.**—(1) If a policy matures or otherwise falls due for payment during the currency of its assignment to the Commissioner under regulation 19, the Commissioner shall realise the amount assured together with any accrued bonus and shall credit out of it, to the account of the member in the Fund an amount not exceeding the advances taken by the member for payment of premia in respect of the policy with interest thereon at the rate of 4-1/2 per cent per annum. If the amount so realised is more than the amount of advance taken by the member along with the interest thereon, the excess amount shall be paid to the member. If, however, the amount realised is less than the amount taken as advance along with interest thereon, no recoveries shall be made from the member.

(2) The advance under regulation 17 shall not be recoverable if it is utilised for the purpose for which it is granted. The subscriber shall send to the Commissioner, within such period as may be specified, a receipt in order to satisfy the Commissioner that the advance has been utilised for purpose for which it was granted. If the Commissioner is not satisfied that any advance has been utilised for the specified purpose, he shall order the recovery of the advance along with interest at 4½ per cent. per annum thereon from the emoluments of the member, and credit the amount so recovered to his account in the Fund.

(3) If the policy is not assigned as specified in regulation 19 and delivered as required under sub-regulation (i) of Regulation 19 or is assigned otherwise than to the Commissioner, or is charged or encumbered or lapses, any advance withdrawn from the Fund in respect of such policy shall, with interest of 4½ per

cent per annum thereon be repaid by the member forthwith to the Fund or in default be ordered to be recovered by deduction from the emoluments of the member in such instalments as the Commissioner may determine. The amount repaid or recovered as aforesaid shall be credited to the member's account in the Fund.

19. Assignment of Policies to the Fund.—(1) The Policy, within three months after the first withdrawal in respect of it, shall be assigned in the appropriate form to the Commissioner and shall be delivered to him.

(2) The Commissioner shall, before allowing withdrawal in respect of old policies, satisfy himself by reference to the Insurance Company that no prior assignment of the policy exists and the policy is free from all encumbrances.

(3) After an advance has been permitted under regulation 17 in respect of the policy, the terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Commissioner to whom the details of the alteration or of the new policy shall be furnished in such form as he may specify.

20. Bonus to be adjusted against the withdrawal.—A member shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy, the member has no option to refrain from drawing during its currency shall be paid by him forthwith into the Fund to be adjusted against the amount withdrawn or in default be recovered by deduction from his emoluments by such instalments as the Commissioner may determine.

21. Reassignment of Policies.—(1) When the accumulations standing to the credit of the member are paid under regulation 23 or when he repays to the Fund the advances taken by him from the Fund under regulation 18 with interest of 4½ percent per annum thereon the Commissioner shall reassign the policy to the member and make it over to him together with a signed notice of the reassignment addressed to the Insurance Company.

(2) If the member dies before the policy has been reassigned under sub-regulation (1), the Commissioner shall reassign the policy to the beneficiary, if any, provided that such beneficiary has been nominated under regulation 6. If there is no such beneficiary the policy shall be reassigned to the nominee if a valid nomination subsists, and if there be no such nominee, to such person, as may be legally entitled to receive it and shall make over the policy to the beneficiary, nominee or such other person together with a signed notice of reassignment addressed to the Insurance Company.

(3) When a policy is assigned to the Commissioner under sub-regulation (1) of regulation 19 a copy of the document, if any, whereby the amount due under the policy is payable to a beneficiary on the death of the member certified to be correct by the member shall be lodged with the Commissioner in order that, if the member dies before the policy has been reassigned to him under sub-regulation (1) it may, on production of such proof as may be necessary be reassigned to the beneficiary as laid down in sub-regulation (2).

22. Final withdrawal of accumulations in the Provident Fund.—The amount standing to the credit of a subscriber shall become payable at the time of quitting service or the death of the subscriber in the manner provided by these regulations.

23. To whom refund is to be made.—The total accumulations in the account of a subscriber less the amount of unrecovered advance and interest thereon, if any, shall be paid as follows:—

- (i) to the subscriber on his ceasing to be an employee;
- (ii) in the event of the death of the subscriber having made a nomination in accordance with these regulations to the nominee or nominees and in the event of such nominee or nominees pre-deceasing the subscriber, to the alternative nominee or nominees in the manner indicated in the declaration form; or
- (iii) in the event of the death of the subscriber without having made a nomination in accordance with these regulations or whose nominee or nominees or alternative nominee or nominees has or have not

survived the subscriber, to the legal heir or heirs of the subscriber on the production by him or them of probate or letters of administration evidencing the grant to him or them of the administration of the estate of the subscriber or a certificate granted under the Indian Succession Act, 1925, entitling the holder thereof to receive payment of such amount:

Provided that if the amount of such accumulations does not exceed rupees five thousand it may be paid to any person appearing to the Commissioner to be entitled to receive it.

FIRST SCHEDULE
[See regulation 6(3)]

Forms of Nomination

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in regulation 2 of the Employees' Provident Fund Organisation (Staff Contributory Provident Fund) Regulations, 1960, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable, has not been paid.

Name and address of nominee.	Relationship with subscriber.	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
1	2	3	4	5

Dated this day of 19.....
at

Signature of subscriber.

Two witnesses to signature :—

1.....

2.....

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family as defined in regulation 2 of the Employees' Provident Fund Organisation (Staff Contributory Provident Fund) Regulations, 1960, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid and

direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees.	Relation-ship with subscriber	Age	*Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid.	Name and address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
-------------------------------	-------------------------------	-----	--	--	---

Dated this.....day of.....19...
at.....

Signature of subscriber.....

Two witnesses to signature :—

1.....
2.....

*Note :—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III. When the subscriber has no family and wishes to nominate one person.

I, having no family as defined in regulation 2 of the Employees' Provident Fund Organisation (Staff Contributory Provident Fund) Regulations, 1960, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid:—

Name and address of nominees.	Relationship with subscriber	Age	**Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
-------------------------------	------------------------------	-----	--	---

Dated this.....day of.....19...
at.....

Signature of subscriber.....

Two witnesses to signature :—

1.....
2.....

**Where a subscriber who has no family makes a nomination, he shall specify in this column mination shall become invalid in the event of his subsequently acquiring a family.

IV. When the subscriber has no family and wishes to nominate more than one person.

I, having no family as defined in regulation 2 of the Employees' Provident Fund Organisation (Staff Contributory Provident Fund) Regulations, 1960, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees.	Relation ship with subscriber	Age	*Amount of share of accumulation to be paid to each.	**Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of person if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
-------------------------------	-------------------------------	-----	--	--	---

Dated this.....day of.....19.....
at.....

Signature of subscriber.....

Two witnesses to signature :—

- 1.....
- 2.....

*NOTE:—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

**NOTE:—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

SECOND SCHEDULE (See regulation 7)

Provident Fund Account and Abstract Balance of each subscriber

Name of subscriber..... Appointment or appointments held under the Employees' P.F. Organisation.....
Corresponding date(s) of appointment.....

Account No.....

Date of admission to the Provident Fund.....

Remarks or special provision, if any.....

Pay on 31st March of Preceding year Rs..... 19..... 19.	Subs- cription	Subscription		Month- ly balance on which interest is calculated	Contribution by the (E.P.F., Organisation)	Remarks
		Refunds of with- drawals	Total With- drawals		Subscrib- er's cmo- luments drawn on duty or his leave salary if he elects to subs- cribe during leave	

1	2	3	4	5	6	7	8	9
April								
May								
June								
July								
August								
September								
October								
November								
December								
January								
February								
March								
March (final)								
March (suppl.)								

TOTAL

Balance from 19 — 19.
Deposits and Refunds as above.
Interest for 19 19 .

TOTAL .

Contribution by the E.P.F.
Organisation on
Rs. @
Balance from 19 — 19
Interest for 19 — 19
TOTAL .

Deduct—Withdrawals as above

Balance on 31st March 19 .
Calculated by

Deduct—Withdrawals as above

Balance on 31st March 19
Checked by.

New Delhi, the 5th March 1960

S.O. 639.—In pursuance of paragraph 4 of the Employees' Provident Funds Scheme, 1952, and in supersession of the notification of the Government of India in the Ministry of Labour No. S.R.O. 1281, dated the 20th June, 1953, published in Part II, section 3 of the Gazette of India, dated the 27th June, 1953, the Central Government hereby sets up a Regional Committee for the State of Bombay, consisting of the following persons, namely:—

- | | |
|--|--|
| (1) Shri Shridhar Vishram Chavan, I. A. S.,
Deputy Secretary to the Government of
Bombay, Labour and Social Welfare Depart-
ment, Bombay. | } Chairman nominated by the Central Go-
vernment. |
| (2) Shri D. G. Kale, Deputy Commissioner of
Labour, Bombay. | |
| (3) Shri M. Misbah, Deputy Secretary to the Go-
vernment of Bombay, Finance Department,
Bombay. | } Two persons nominated by the Central Go-
vernment on the recommendation of
the State Government. |
| (4) Shri N. C. Jhaveri, C/O. The Amalgamated
Electricity Co. Ltd., 17-B, Horniman Circle,
Bombay-1. | |
| (5) Shri Nandas Haridas, Vasant Bhuvan, Shahi
Bagh, Ahmedabad. | } Three employers' representatives nominated
by the Central Government in consulta-
tion with the organisations of employers
in the State. |
| (6) Shri J. V. Patel, C/O Messrs New Standard
Engineering Co. (Private) Ltd., Carrol Road,
Bombay-13. | |
| (7) Dr. S. L. Kashikar, C/O Indian National
Trade Union Congress, Madhya Pradesh
Branch, Kothi Road, Mahal, Nagpur. | } Three employees' representatives nomina-
ted by the Central Government in consul-
tation with the organisation of employees
in the State. |
| (8) Shri D. S. Marathe, C/O Rashtriya Mill
Mazdoor Sangh, Mazdoor Manzil, Parel, Bom-
bay-12. | |
| (9) Shri R. J. Mehta, C/O Hind Mazdoor Sabha,
Kamgar Sadan, Bombay-10. | |
| (10) Shri D. S. Bakhle, Deputy Chairman, The
Mill Owners' Association, Elphinstone Build-
ing, Veer Nariman Road, Bombay-1. | } Non-official members of the Central Board
of Trustees ordinarily resident in the
State. |
| (11) Shri H. P. Merchant, 'Woodlands', Peddar
Road, Bombay-26. | |
| (12) Shri A. N. Buch, C/O Textile Labour Associa-
tion, Gandhi Majoor Sevalaya, Bhadra, Ah-
medabad. | |

[No. PF. II-45(16)/57.]
P. D. GAIHA, Under Secy.

New Delhi, the 2nd March 1960

S.O. 640.—In pursuance of rule 3(2) of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government hereby appoints Shri K. Punniiah Naidu, in place of Shri P. Gopala Krishna Reddy, M.L.A. as member of the Mica Mines Labour Welfare Fund Advisory Committee for Andhra Pradesh, constituted in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1979, dated the 17th September 1958, published on page 1794 of the Gazette of India, Part II Section 3, sub-section (ii), dated the 27th September, 1958, and makes the following amendment in the said notification, namely:—

For entry (4), the following entry shall be substituted, namely:—

“(4) Shri K. Punniiah Naidu.”

[No. MII-23(4)/57.]

New Delhi, the 8th March 1960

S.O. 641.—In exercise of the powers conferred by sub-regulation (1) of regulation 11 read with the proviso to regulation 205 of the Coal Mines Regulations, 1957, the Central Government hereby reappoints Sarvashri F. G. Massmann and B. C. Shah as members of the Board of Mining Examinations for a further term of three years with effect from the 8th May, 1960 and 26th May, 1960, respectively.

2. It is hereby notified for general information that the Board of Mining Examinations now consists of the following persons who have been appointed by the Central Government as Chairman, and members thereof, with effect from the respective dates shown against each, namely:—

		Date of appointment
1. Shri S. S. Grewal Chief Inspector of Mines	Chairman	(ex-officio)
2. Shri G. W. Hogg	Member	6-1-1956 (re-appointed with effect from 6-1-1959)
3. Shri F. G. Massmann	Member	8-5-1957
4. Shri B. C. Shah	Member	26-5-1957
5. Shri D. R. Bagroy	Member	1-7-1958

[No. 3/3/60-MI.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi-2, the 4th March 1960

S.O. 642.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Additional Industrial Tribunal, Bombay in the industrial dispute between M/s. Dharsi Moolji and their workmen.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE No. 3 OF 1960

In the matter of Messrs Dharsi Moolji

AND

Their Workmen.

PRESENT

Shri Salim M. Merchant (Presiding Officer).

APPEARANCES:—

For the Workmen.—Shri Sachhidanand Karkal, Advocate, instructed by Shri S. R. Kulkarni, Secretary, Transport and Dock Workers' Union, Bombay.

For the Employees.—Shri B. M. Bhatt, Labour Adviser with Shri Y. H. Ranc, Manager Messrs Dharsi Moolji.

Bombay, the 22nd February 1960

INDUSTRY: Dock Labour Contractors

STATE: Bombay.

AWARD

The Government of India, Ministry of Labour and Employment by order No. 28(50)/59-LRIV dated 18th January, 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947) was pleased to refer the industrial dispute between the parties above-named in respect of the matters specified in the following Schedule to the said order for adjudication to me.

SCHEDULE

Whether the demand of the workmen of Messrs Dharsi Moolji for an interim relief of Rs. 5 per month is justified and if so, from what date is it payable?

2. After the order of reference was received by this Tribunal, the dispute was fixed for hearing on 24th February, 1960, but on 22nd February, 1960 at the hearing of another Industrial dispute between the parties viz., Ref. No. 13 of 1960, before this Tribunal, the parties applied that the date of hearing of this dispute should be advanced from 24th February, 1960 to 22nd February, 1960 and after I had granted that application, the parties filed the terms of settlement which had been reached between them and prayed that an Award be made in terms thereof. A copy of the terms of settlement is annexed hereto and marked Annexure A, and the same shall form part of this Award.

3. As I am satisfied that in the facts and circumstances of the case as stated by the parties, the terms of settlement are fair and reasonable, I make an award in terms of the settlement.

4. No order as to costs.

Bombay, the 22nd February 1960.

Sd./- SALIM M. MERCHANT,
Presiding Officer,

Central Government Additional Industrial
Tribunal, Bombay

ANNEXURE A

BEFORE SHRI SALIM M. MERCHANT, CENTRAL GOVERNMENT ADDI-
TIONAL INDUSTRIAL TRIBUNAL AT BOMBAY.

REFERENCE (CGIT) No. 3 of 1960

M/s. Dharsey Moolji, Bombay

AND

The their workmen.

May it please the Honourable Tribunal:—

The above matter is posted for hearing on 24th February, 1960 and the same to be taken in hand kindly today. In the meantime parties have arrived at an amicable settlement and pray that the matter be disposed of by Award as per settlement:—

Terms of Settlement

1. Parties agree that each of the Shivnars, Carpenters and Palawwalis shall be granted an interim rise in wage at the rate of 00.17 nP. (seventeen nP. only) per working shift of a day effective from 1st January, 1960.
2. Parties agree that the arrears accrued under this settlement shall be paid to the eligible workmen within one month of receiving the Award.

Dated the 22nd day of February, 1960.

S. R. KULKARNI

(Secretary).

Tpt. & Dock Workers' Union, Bombay.

For workmen.

SACHHDANAND KARKAL,

Advocate for the Union.

Y. H. RANE,
(Manager).

M/s. Dharsey Moolji, Bombay.

Duly authorised.

(B. M. BHATT),
Labour Adviser.

Taken on File.

SALIM M. MERCHANT.
22-2-1960.

[No. 28/50/59/L.R. IV.]

S.O. 643.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Additional Industrial Tribunal, Bombay in the industrial dispute between M/s. Dharsi Moolji and their workmen.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT BOMBAY.

REF. No. 13 OF 1960.

M/s. Dharsi Moolji.

AND

Their Workmen.

PRESENT

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the workmen.—Shri Sachhidanand Karkal, Advocate instructed by Shri S. R. Kulkarni, Secretary, Transport and Dock Workers' Union, Bombay.

For the Employers.—Shri B. M. Bhatt, Labour Adviser with Shri Y. H. Rane, Manager, Messrs Dharsi Moolji.

Bombay, 22nd February 1960

INDUSTRY: Dock Labour Contractors.

STATE: Bombay.

AWARD

Whereas the Government of India, Ministry of Labour and Employment by Order No. LRIV 28(32)/59 dated 11th September, 1959, made in exercise of the powers conferred by clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947) was pleased to refer the industrial dispute between the parties above named in respect of the matters specified in the following Schedule to the said order for adjudication to the Industrial Tribunal, Bombay, and whereas the services of Shri F. Jeejeebhoy, Presiding Officer, Industrial Tribunal, Bombay, before whom the said dispute was pending were to cease to be available to Government shortly and whereas the ends of justice and grounds of convenience of the parties required that the said dispute should be disposed of without delay at Bombay itself, the Government of India, Ministry of Employment by Order No. 28/32/59/LRIV dated 2nd February, 1960, made in exercise of the powers conferred by Section 33 B (1) of the Industrial Disputes Act, 1947 (Act XIV of 1947) was pleased to withdraw the proceedings in relation to this dispute and transfer the same to me for disposal.

SCHEDULE.

Whether the demand of the workmen of M/s. Dharsi Moolji for bonus for the year 1957-58 is justified, and if so, the quantum of bonus payable.

2. By notice dated 11th February, 1960, served on the parties, I fixed the hearing of the dispute for 22nd February, 1960, when the representatives of the workmen filed a Written Statement withdrawing the demand under dispute and recording that they did not press the claim for bonus for the year 1957-58 (i.e., Samvant year 2014) and further prayed that the reference be disposed of accordingly. To this application the representatives of the employers had no objection. A copy of the Union's said application is annexed hereto and marked Annexure "A", and the same shall form part of this Award.

3. I therefore allow the claim in dispute for bonus for 1957-58 (i.e., Samvant year 2014) to be withdrawn and the reference is disposed of accordingly.

4. No order as to costs.

Bombay,

The 22nd February, 1960

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Additional
Industrial Tribunal, Bombay.

ANNEXURE 'A'

BEFORE SHRI SALIM M. MERCHANT, CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT BOMBAY.

REF. (CGIT) No. 13 of 1960.

BETWEEN

M/s. Dharsey Moolji, Bombay.

AND

Their workmen.

May it please the Honourable Tribunal:—

The workmen hereby withdraw and do not press the claim for bonus for the year 1957-58 (i.e., S. Y. 2014) and the reference be made as disposed of.

Dated the 22nd February, 1960.

S. R. KULKARNI, Secretary,
Tpt. and Dock Workers' Union Bombay,
For workmen.

SACHCHIDANAND KARKAL,
Advocate for Union.

We have no objection.

Y. H. RANE,
Manager,

M/s. Dharsey Moolji, Bombay.

B. M. BHATT,
Labour Adviser.

Taken on File.

SALIM M. MERCHANT,
22-2-1960.

[No. 28/32/59/L.R. IV.]

A. L. HANDA, Under Secy.

New Delhi, the 5th March 1960

S.O. 644.—The Government of the State of Mysore having nominated, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), Dr. V. R. Naidu, Director of Medical Services, Mysore, as a member representing the said State on the Medical Benefit Council, the Central Government, in pursuance of the said section 10, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1(1)/58, dated the 1st July, 1958, namely:—

In the said notification, under the heading "Members", for item (14), the following item shall be substituted, namely:—

"(14) Dr. V. R. Naidu, M.B.B.S., M.S., M.R.C.P., (Lond), Director of Medical Services, Government of Mysore".

[F. No. HI-1(2)/60.]

BALWANT SINGH, Under Secy.

ORDERS

New Delhi, the 5th March 1960

S.O. 645.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Vanguard Insurance Company Limited, Madras and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7-A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. Ramaswami Gounder, B.A.M.L., Retired Judge, Madras, shall be the Presiding Officer with headquarters at the First Line Beach, Madras-1 and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

- (1) Scales of pay.
- (2) Dearness allowance.
- (3) Gratuity.
- (4) Provident Fund.
- (5) Leave.
- (6) Allowances during suspension.
- (7) Holidays. ..
- (8) Date of effect.

[No. LR11-11(21)/59.]

New Delhi, the 7th March 1960

S.O. 646.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhutgoria Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the retrenchment of Shri Panch Dev Singh, Munshi, was justified having regard to the provisions of section 25-G of the Industrial Disputes Act, 1947, and if not, whether he should be re-instated or given other relief.

[No. 2/18/60-LR11.]

S. N. TULSIANI, Under Secy.